

EXHIBIT G

Page 1

1
2 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

3 - - - - - x
SUSAN MCCARTHY,

4
Plaintiff,

5 - against -

6 ROOSEVELT UNION FREE SCHOOL DISTRICT;
7 DEBORAH L. WORTHAM, individually and
in her Official Capacity; CLYDE
8 BRASWELL, individually and in his
Official Capacity; EDITH HIGGINS,
9 individually and in her Official
Capacity; Roosevelt Union Free School
District employees "JOHN DOE" 1-10 (the
10 name "John Doe" be fictitious, as the
true names are presently unknown);
11 COUNTY OF NASSAU; NASSAU COUNTY POLICE
DEPARTMENT; POLICE OFFICER JOSEPH STASSI,
12 individually and in his Official
Capacity; POLICE OFFICER MONIQUE AMODEO,
13 individually and in her Official
Capacity; MEDIC MATTHEW FIELD,
14 individually and in his Official
Capacity; Nassau County employees
15 "JOHN DOE" 11-20 (the name "John Doe"
being fictitious, as the true names are
16 presently unknown),

17 Defendants.

18 - - - - - x
240 Denton Place
19 Roosevelt, New York
20 May 12, 2016
10:07 A.M.

21
22
23 WITNESS: EDITH HIGGINS
24
25

<p>Page 2</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 DEPOSITION of EDITH HIGGINS, one of the</p> <p>6 Defendants herein, taken by the Plaintiff and</p> <p>7 Co-Defendants herein, pursuant to The Federal Rules</p> <p>8 Of Civil Procedure, held at the above-mentioned time</p> <p>9 and place, before Raymond Stalker, RPR, a Notary</p> <p>10 Public of the State of New York.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 IT IS HEREBY stipulated and agreed by and</p> <p>6 among counsel for the respective parties hereto,</p> <p>7 that the sealing and certification of the within</p> <p>8 deposition shall be and the same hereby waived.</p> <p>9 IT IS FURTHER STIPULATED AND AGREED that all</p> <p>10 objections, except to the form of the question,</p> <p>11 shall be reserved to the time of trial;</p> <p>12 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>13 within deposition may be signed before any Notary</p> <p>14 Public with the same force and effect as if signed</p> <p>15 and sworn to before the court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1</p> <p>2 APPEARANCES:</p> <p>3 WOLIN & WOLIN, P.C.</p> <p>Attorneys for Plaintiff</p> <p>4 420 Jericho Turnpike</p> <p>Jericho, New York 11753</p> <p>5</p> <p>6 BY: ALAN E. WOLIN, ESQ.</p> <p>7 SILVERMAN & ASSOCIATES</p> <p>Attorneys for Defendants</p> <p>8 Roosevelt Union Free School District,</p> <p>Deborah L. Wortham, Clyde Braswell,</p> <p>9 Edith Higgins</p> <p>445 Hamilton Avenue</p> <p>10 White Plains, New York 10601</p> <p>11 BY: GERALD S. SMITH, ESQ.</p> <p>12</p> <p>13 NASSAU COUNTY ATTORNEY'S OFFICE</p> <p>Attorneys for Defendants</p> <p>14 County of Nassau, Nassau County Police</p> <p>Department, Police Officer Joseph Stassi,</p> <p>15 Police Officer Monique Amodeo,</p> <p>Medic Matthew Field</p> <p>16 One West Street</p> <p>Mineola, New York 11501</p> <p>17</p> <p>18 BY: JAMES SCOTT, ESQ.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1 EDITH HIGGINS</p> <p>2 EDITH HIGGINS, one of the Defendant-s</p> <p>3 herein, having first been duly sworn by a Notary</p> <p>4 Public of the State of New York, was examined and</p> <p>5 testified as follows:</p> <p>6 MR. WOLIN: Good morning, Ms.</p> <p>7 Higgins. My name is Alan Wolin. I</p> <p>8 am an attorney. I represent Susan</p> <p>9 McCarthy in this lawsuit. I'm going</p> <p>10 to be asking you a series of</p> <p>11 questions concerning the facts and</p> <p>12 circumstances of this case. If at</p> <p>13 any time I ask you a question you</p> <p>14 don't understand, ask me to rephrase</p> <p>15 it and I will attempt to do the best</p> <p>16 I can, okay.</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. WOLIN: One of the ground</p> <p>19 rules here, which I'm sure Mr. Smith</p> <p>20 had discussed with you is that you</p> <p>21 have to verbalize your answers,</p> <p>22 because as good as the court reporter</p> <p>23 is, he's not supposed support to take</p> <p>24 down nods of the head or shrugs of</p> <p>25 the of shoulder or nonverbal</p>

2 (Pages 2 - 5)

<p>Page 6</p> <p>1 EDITH HIGGINS</p> <p>2 expressions, because we can not</p> <p>3 interpret nonverbal expressions,</p> <p>4 okay?</p> <p>5 THE WITNESS: Yes.</p> <p>6 MR. WOLIN: SO make sure you</p> <p>7 that you answer all of my questions</p> <p>8 verbally.</p> <p>9 THE WITNESS: Yes.</p> <p>10 EXAMINATION BY</p> <p>11 MR. WOLIN:</p> <p>12 Q. Please state your full name for</p> <p>13 the record.</p> <p>14 A. Edith Higgins.</p> <p>15 Q. What is your present business</p> <p>16 address?</p> <p>17 A. 2 Rose Avenue, Roosevelt, New</p> <p>18 York 11575.</p> <p>19 Q. What have you done, if anything,</p> <p>20 to prepare for this deposition today?</p> <p>21 A. What have I done? I met with my</p> <p>22 attorney.</p> <p>23 Q. And when did you meet with your</p> <p>24 attorney?</p> <p>25 A. This week.</p>	<p>Page 8</p> <p>1 EDITH HIGGINS</p> <p>2 MR. SMITH: Objection.</p> <p>3 A. I don't recall.</p> <p>4 Q. By whom are you currently</p> <p>5 employed.</p> <p>6 A. The Roosevelt Union Free School</p> <p>7 District.</p> <p>8 Q. How long have you been employed</p> <p>9 by the Roosevelt Union Free School District?</p> <p>10 A. Approximately thirteen years.</p> <p>11 Q. What is your current job title?</p> <p>12 A. Assistant principal.</p> <p>13 Q. Where do you serve as assistant</p> <p>14 principal?</p> <p>15 A. Washington Rose Elementary</p> <p>16 School.</p> <p>17 Q. And how long have you served in</p> <p>18 that job title of assistant principal?</p> <p>19 A. This is my third year.</p> <p>20 Q. Have you served at Washington</p> <p>21 Rose the entire time that you have served as</p> <p>22 assistant principal?</p> <p>23 A. Yes.</p> <p>24 Q. What are your duties and</p> <p>25 responsibilities as assistant principal at</p>
<p>Page 7</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Was that Mr. Smith?</p> <p>3 A. Yes.</p> <p>4 Q. Other than meeting with Mr.</p> <p>5 Smith, what, if anything else, did you do to</p> <p>6 prepare for this deposition?</p> <p>7 A. That's all, sir.</p> <p>8 Q. Did you tell anyone that you were</p> <p>9 going to be appearing for this deposition</p> <p>10 today?</p> <p>11 A. No, sir.</p> <p>12 Q. Have you spoken with Mr. Braswell</p> <p>13 about appearing for this deposition today?</p> <p>14 A. Yes.</p> <p>15 Q. And when did you speak to him?</p> <p>16 A. This morning.</p> <p>17 Q. And what did you and he discuss?</p> <p>18 A. The time that we were going to</p> <p>19 appear today.</p> <p>20 Q. And did you and he discuss any of</p> <p>21 the subject matter of this case?</p> <p>22 A. No, sir.</p> <p>23 Q. Have you ever spoken to Mr.</p> <p>24 Braswell about the subject matter of this</p> <p>25 case?</p>	<p>Page 9</p> <p>1 EDITH HIGGINS</p> <p>2 Washington Rose?</p> <p>3 A. I have many responsibilities,</p> <p>4 which include supervision -- oh, gosh, I'm</p> <p>5 very sorry. (Cell phone rings.) Let me put</p> <p>6 this away. Supervision of students,</p> <p>7 supervision of students and staff and</p> <p>8 managing the building.</p> <p>9 Q. What are your supervisory</p> <p>10 responsibilities with reference to staff?</p> <p>11 A. In terms of their -- supervising</p> <p>12 their -- what goes on in the classroom.</p> <p>13 Basically, what goes on in the classroom, the</p> <p>14 instructional practices in the classroom.</p> <p>15 Q. To whom do you directly report?</p> <p>16 A. To my supervisor, Mr. Braswell.</p> <p>17 Q. And Mr. Braswell is the school</p> <p>18 principal; is that correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. And have you reported to Mr.</p> <p>21 Braswell the entire time that you have served</p> <p>22 assist principal?</p> <p>23 A. Yes.</p> <p>24 Q. During the time that you have</p> <p>25 served as assistant principal of Washington</p>

3 (Pages 6 - 9)

Page 10

1 EDITH HIGGINS
2 Rose, have there been any other assistant
3 principals?
4 A. No.
5 Q. So you have been the only
6 assistant principal at Washington Rose during
7 your tenure as assistant principal; is that
8 correct?
9 A. Yes, sir.
10 Q. Now, immediately prior to
11 becoming assistant principal at Washington
12 Rose, were you employed by the Roosevelt
13 School District?
14 A. Yes.
15 Q. What was your job title
16 immediately prior to becoming assistant
17 principal?
18 A. Classroom teacher.
19 Q. How long did you serve as a
20 classroom teacher in Roosevelt?
21 A. In Roosevelt I served as
22 classroom teacher for three years.
23 Q. When did you say you became
24 employed by Roosevelt?
25 A. 2013 -- no, 2003. Sorry.

Page 11

1 EDITH HIGGINS
2 Q. 2003 --
3 A. The fall of 2003 I believe, yes.
4 Q. When did you become a classroom
5 teacher at Roosevelt?
6 A. In 2003 I became a teacher.
7 Q. When did you become the assistant
8 principal?
9 A. 2013.
10 Q. Is it fair to say that you were a
11 classroom teacher for approximately ten years
12 at Roosevelt?
13 A. No. I was a math curriculum
14 specialist.
15 Q. When did you serve as a math
16 curriculum specialist?
17 A. The fall of 2004 until
18 approximately 2012 or so. Then I went back
19 into the classroom for two years.
20 Q. So you were a math curriculum
21 specialist immediately before you became a
22 classroom teacher?
23 A. Immediately after. I was a
24 classroom teacher for a year. Then I applied
25 for math curriculum specialist and I served

Page 12

1 EDITH HIGGINS
2 as that for a number of years. Then I went
3 back into the classroom at Washington Rose
4 for two years and then I applied for the
5 assistant principal.
6 Q. Got it. Where did you serve as
7 the math curriculum specialist?
8 A. At Ulysses Byas Elementary
9 School.
10 Q. And that's an elementary school
11 within the district; is that correct?
12 A. Yes, sir.
13 Q. Where did you serve the initial
14 term as a classroom teacher?
15 A. Ulysses Byas Elementary School.
16 Q. So have you named the two schools
17 that you have been regularly assigned to as
18 an employee of the Roosevelt Union Free
19 School District?
20 A. Yes, sir.
21 Q. Now, during the time that you
22 served as a classroom teacher at Washington
23 Rose, what was your assignment?
24 A. Instruction of second grade
25 students.

Page 13

1 EDITH HIGGINS
2 Q. I'm sorry?
3 A. The instruction of second grade
4 students.
5 Q. So were you considered a second
6 grade teacher?
7 A. Yes.
8 Q. Who was the principal of
9 Washington Rose during the time that you
10 served there as a classroom teacher?
11 A. The first year Dr. Pearletta
12 Wright was the principal and then the second
13 year was Angela -- oh, boy, I forget her last
14 name. She served for half of the year and
15 then Mr. Braswell, he came on for the
16 remainder of the year.
17 Q. And when did Mr. Braswell become
18 the principal at Washington Rose?
19 A. I don't recall when he did. I
20 know it was like half of the year.
21 Q. And when was it in reference to
22 the time that you became assistant principal
23 at Washington Rose?
24 A. I became the assistant principal
25 that -- the following August, August of 2013,

4 (Pages 10 - 13)

Page 14

1 EDITH HIGGINS
2 I believe.
3 Q. Had Mr. Braswell become the
4 principal the previous school year?
5 A. The previous school year of when
6 I became assistant principal?
7 Q. Yes.
8 A. Yeah. I explained already that
9 he became the principal at Washington Rose
10 halfway -- I believe it was like halfway
11 through my second year as a teacher there.
12 Q. And can you describe the
13 circumstances under which you became an
14 assistant principal at Washington Rose?
15 MR. SMITH: Objection. You can
16 answer.
17 Q. Let me rephrase the question.
18 Did you have to apply for the
19 position?
20 A. Yes, sir.
21 Q. What did you have to do to a
22 apply for the position?
23 A. Well, I submitted my resume and
24 cover letter and I interviewed before a panel
25 and I was selected amongst all the

Page 15

1 EDITH HIGGINS
2 candidates.
3 Q. Who selected you?
4 A. The panel of administrators that
5 you interviewed with.
6 Q. Do you remember who was on the
7 panel?
8 A. No, sir.
9 Q. Did you compete with other people
10 for the position of assistant principal?
11 A. Yes, sir.
12 Q. Do you know the names of the
13 people with whom you competed?
14 A. No.
15 Q. Do you know the names of any of
16 them?
17 A. No, I don't.
18 Q. Now, do you understand you're a
19 defendant in this case?
20 A. Yes.
21 Q. And other than this case, have
22 you been a defendant in any other case?
23 A. No.
24 Q. Have you ever been a plaintiff,
25 meaning have you ever sued anyone?

Page 16

1 EDITH HIGGINS
2 A. Yes?
3 Q. How many times.
4 A. One.
5 Q. When was that?
6 A. Over the death of my father.
7 Q. So you were a plaintiff in the
8 capacity of the legal representative for your
9 father; is that fair to say?
10 A. Can you rephrase that?
11 Q. Did you represent your father's
12 estate?
13 A. Yes.
14 Q. You said you sued over the death
15 of your father, so did you sue as the
16 representative of your father's estate?
17 A. Yes.
18 Q. Other than that, were you a
19 plaintiff in any other case?
20 A. No.
21 Q. Have you ever given a deposition
22 prior to today?
23 A. Yes.
24 Q. Was it with reference to that
25 litigation?

Page 17

1 EDITH HIGGINS
2 A. Yes.
3 Q. Have you ever given a deposition
4 with reference to any other matter?
5 A. No.
6 Q. Other than that deposition that
7 you have just identified and other than
8 today, have you ever testified under oath?
9 A. No.
10 Q. Have you ever testified at any
11 district related proceeding?
12 A. No.
13 Q. Have you ever been convicted of a
14 crime?
15 A. No.
16 Q. During your tenure with the
17 Roosevelt Union Free School District, have
18 you ever been disciplined?
19 A. No.
20 Q. Have ever received any letters to
21 your file that you consider to be a criticism
22 of you?
23 A. No.
24 Q. Other than what Ms. McCarthy may
25 be alleging in this case, has any employee of

5 (Pages 14 - 17)

Page 18

1 EDITH HIGGINS
2 the Roosevelt Union Free School District ever
3 claimed, to your knowledge, that you
4 discriminated against him or her?
5 A. No.
6 Q. Have you yourself ever believed
7 that you were discriminated against by the
8 Roosevelt Union Free School District?
9 A. No.
10 Q. Has any employee of the Roosevelt
11 Union Free School District, to your
12 knowledge, ever claimed that you mistreated
13 him or her?
14 A. No.
15 Q. Have you ever believed that you
16 have been mistreated as an employee of the
17 Roosevelt Union Free School District by any
18 of its administrators?
19 A. No.
20 Q. What do consider your race to be?
21 A. Black.
22 Q. What month and year were you
23 born?
24 A. July, 1971.
25 Q. Do you know Susan McCarthy, the

Page 19

1 EDITH HIGGINS
2 plaintiff in this case?
3 A. Yes.
4 Q. And was Ms. McCarthy a teacher in
5 Washington Rose when you became the assistant
6 principal?
7 A. Yes.
8 Q. As the assistant principal at
9 Washington Rose, were you considered Ms.
10 McCarthy's immediate supervisor?
11 A. One of her immediate supervisors.
12 Q. During your tenure at Washington
13 Rose, who else had been considered her
14 immediate supervisor or supervisors?
15 A. Mr. Braswell.
16 Q. He's the principal?
17 A. Yes, sir.
18 Q. Anyone else?
19 A. No.
20 Q. And does Ms. McCarthy continue to
21 be a teacher at Washington Rose today?
22 A. Yes.
23 Q. And you continue to have the
24 teacher-assistant principal relationship
25 today as you have had since you became the

Page 20

1 EDITH HIGGINS
2 assistant principal there?
3 A. Yes.
4 Q. Now, based upon your testimony,
5 is it a fact that you and Ms. McCarthy were
6 both teachers at Washington Rose for some
7 time prior to you becoming the assistant
8 principal?
9 A. Yes. For two years.
10 Q. During the time that you were a
11 teacher at Washington Rose, I believe you
12 testified that you taught the third grade?
13 A. Second grade.
14 Q. Second grade. I'm sorry.
15 During the time that you taught
16 the second grade, what grade or grades did
17 Ms. McCarthy teacher?
18 A. First grade.
19 Q. Did Ms. McCarthy continue
20 teaching first grade after you became
21 assistant principal?
22 A. Yes.
23 Q. Does she continue teaching first
24 grade at the current time?
25 A. Yes.

Page 21

1 EDITH HIGGINS
2 Q. Has she always, to your
3 knowledge, taught first grade at Washington
4 Rose, since at least the time that you became
5 a classroom teacher at Washington Rose?
6 A. Yes.
7 Q. Prior to the time you became a
8 assistant principal, during the time you were
9 both teachers at Washington Rose, how did you
10 and she get along?
11 A. Very well.
12 Q. Can you elaborate on what you
13 mean by very well?
14 A. Well, we had a very healthy
15 collegial relationship.
16 Q. Did you, prior to you becoming
17 assistant principal, have any type of social
18 relationship?
19 A. Well, not outside of school.
20 Q. Not outside?
21 A. No.
22 Q. Just typical school related
23 functions; am I correct?
24 A. Yes, uh-huh.
25 Q. When you were both teachers, did

6 (Pages 18 - 21)

Page 22

1 EDITH HIGGINS
2 you and she ever have any disagreements that
3 you recall?
4 A. No.
5 Q. Now, other than the fact that you
6 and she were coworkers for a period of time
7 before you became a assistant principal, at
8 the time you became assistant principal, did
9 you know anything about her work history?
10 A. No.
11 Q. Do you know how many years she
12 had been employed for the district prior to
13 the time you became assistant principal?
14 A. No.
15 Q. Now, I want to direct your
16 attention to September of 2013. She was
17 teaching first grade in September of 2013,
18 correct?
19 A. Yes.
20 Q. That's approximately when you
21 became assistant principal, correct?
22 A. Yes.
23 Q. Now, in September of 2013, who
24 were the other first grade teachers, if you
25 recall?

Page 23

1 EDITH HIGGINS
2 A. I'm sorry, I don't recall.
3 Q. Do you recall the names of any of
4 them?
5 A. Ms. Yedin and I know we had a
6 substitute teacher.
7 Q. A permanent sub?
8 A. I can't recall if she was per
9 diem or permanent.
10 Q. Do you recall how many first
11 grade teachers there were?
12 A. Three or four.
13 Q. And were any of them considered
14 bilingual classes?
15 A. One was.
16 Q. One?
17 A. Yes.
18 Q. What is the difference --
19 A. No, not bilingual. It wasn't
20 bilingual. We have bilingual now. I forgot
21 the name that particular class. I think it
22 was dual language, dual language.
23 Q. What's the difference between
24 dual language and bilingual?
25 A. Well, the dual language, the

Page 24

1 EDITH HIGGINS
2 children were between two classrooms and one
3 part of the day they spoke all English and
4 the other part of the day they spoke Spanish.
5 The bilingual is what we have now. The
6 children -- it's a self-contained and that
7 teacher has a special bilingual license.
8 They are taught in the classroom part of the
9 day in English, part of the day in Spanish,
10 but they are not traveling between two
11 classrooms. They just remain in one room.
12 Q. In September of 2013, what type
13 of first grade class did Ms. McCarthy teach?
14 A. Monolingual.
15 Q. Has she continued teaching
16 monolingual?
17 A. Yes.
18 Q. In September of 2013, did you
19 know Ms. McCarthy's age?
20 A. No.
21 Q. Did you form any opinion as to
22 her age?
23 A. No.
24 Q. Did you believe that she was over
25 the age of forty?

Page 25

1 EDITH HIGGINS
2 A. Possibly.
3 Q. Now, I wanted to ask you about a
4 couple of allegations in the complaint.
5 During the 2013-2014 school year, did Ms.
6 McCarthy ever state that she was not being
7 provided with necessary support in the
8 classroom, to your knowledge?
9 MR. SMITH: Objection.
10 Q. You can answer it.
11 MR. SMITH: You can answer.
12 A. Can you repeat that question?
13 Q. Sure. Let me be a little
14 specific. Did she ever complain that she
15 wasn't receiving necessary supplies during
16 the 2013-2014 school year?
17 A. I don't recall.
18 Q. Do you remember any teacher in
19 the school complaining during 2013-2014 that
20 he or she was not receiving sufficient amount
21 of supplies?
22 A. No.
23 Q. To your knowledge, during the
24 2013-2014 school year, did Ms. McCarthy ever
25 state that she was not being provided with

7 (Pages 22 - 25)

Page 26

1 EDITH HIGGINS
2 appropriate professional development?
3 A. No.
4 Q. What is generally meant by
5 professional development?
6 A. Professional development, the
7 teachers are given an on-line catalog and my
8 learning plan and they can go on and look for
9 workshops, seminars that they would like to
10 attend and they apply and it's approved and
11 they go. But then there are instances where
12 like today, for instance, the entire first
13 grade, they are here in library and they are
14 receiving training on a new program that's
15 being implemented in first grade.
16 So during that year, you know, I
17 don't recall any complaints about not having
18 sufficient professional development.
19 Q. Back in 2013-2014, did a teacher
20 have to request a specific type of training
21 or professional development or whether at
22 times that the district provided it?
23 A. Well, both. The teachers, if
24 they would like to go, they can apply, you
25 know, through my learning plan and I don't

Page 27

1 EDITH HIGGINS
2 recall anyone ever being denied. Like I
3 said, there are times when the district will
4 require teachers to come for the day for
5 training and like today they'll just report
6 in and go for training for the day.
7 Q. Does the district maintain
8 records enumerating the professional
9 development that each teacher receives?
10 A. I believe that record is kept on
11 my learning plan.
12 Q. What do you mean on your learn
13 plan?
14 A. It's my learning plan. It's in
15 our computer base. It's an application on
16 our site and, like I said, that's where the
17 teachers go to apply. So that information is
18 stored there and I believe human resources
19 may have that information.
20 Q. As far as you know, would the
21 records concerning the professional
22 development that each teacher receives during
23 any given school year be readily accessible
24 within the records of the school district?
25 A. I believe so.

Page 28

1 EDITH HIGGINS
2 Q. Do you know offhand what
3 professional development Ms. McCarthy
4 received during the 2013-2014 school year?
5 A. No.
6 Q. What is the common core
7 curriculum?
8 A. Common core curriculum is a
9 curriculum that has been composed by New York
10 State Education Department. They put
11 together simple standards for grades, for all
12 of our grade levels and expectations for the
13 students to meet within a school year. I
14 believe in 2013 is when they put out a
15 curriculum in ELA and a math curriculum for
16 districts that, you know, opted to adopt.
17 Q. Was the common core curriculum
18 something that the teachers had to be taught?
19 A. They -- the teachers did receive
20 training on the curriculum, how to implement
21 it inside of the classroom and, you know, the
22 grade levels met several times a week to
23 discuss and to collaborate the implementation
24 of the curriculum.
25 Q. Did that go on during the

Page 29

1 EDITH HIGGINS
2 2013-2014 school year?
3 A. Yes.
4 Q. So can you elaborate, if you can,
5 on the efforts that the district made to
6 teach or to train its teachers in the common
7 core curriculum?
8 A. Similar to the settings of
9 professional development, whereas, the
10 teachers were called in, there were days set
11 aside for teachers to -- days and periods
12 where the teachers -- that would set aside
13 time, to set aside for teachers to be trained
14 on the different components of the curriculum
15 and how to implement.
16 Q. And what was the first school
17 year that common core curriculum was actually
18 implemented?
19 A. I believe it was 2013, I believe.
20 I'm not one hundred percent sure.
21 Q. To your knowledge, did Ms.
22 McCarthy ever claim that she was not being
23 given adequate training with reference to the
24 common core curriculum?
25 A. No.

8 (Pages 26 - 29)

Page 30

1 EDITH HIGGINS
2 Q. To your knowledge, did any
3 teacher in Washington Rose complain that he
4 or she was not being given adequate training
5 in common core?
6 A. Not that I recall.
7 Q. And is it also fair to say that
8 the evaluations that teachers received during
9 the 2013-2014 school year reflected the
10 common core curriculum?
11 MR. SMITH: Objection.
12 MR. WOLIN: Let me withdraw the
13 question.
14 Q. How, if at all, did the
15 observations that a teacher received during
16 the 2013-2014 school year differ in form or
17 substance from prior observations?
18 MR. SMITH: Objection.
19 A. I wouldn't know, because, you
20 know, I've only had -- I've only had the
21 experience of the -- the rubric that we
22 currently use, I have only had that to use
23 for observation.
24 Q. Is the rubric that you currently
25 use under common core different the rubrics

Page 31

1 EDITH HIGGINS
2 that were used prior to common core?
3 A. Yes.
4 Q. And that difference started in
5 2013-2014; am I correct?
6 A. Right. The district adopted Kim
7 Marshal, the Kim Marshal rubric. So that's
8 all I have had to use. That's the only
9 instrument that I have had to us to measure.
10 Q. And that rubric is utilized to
11 measure or evaluate a teacher's performance?
12 A. In all subject areas.
13 Q. In all subject areas, started
14 with the 2013-2014 school year; is that
15 correct?
16 A. No, no. It was prior.
17 Q. How much prior?
18 A. I started in the fall of 2013, so
19 it was the fall of 2012, because it was used
20 when I was a classroom teacher also.
21 Q. At some point in time the
22 observation reports had the ratings I guess
23 they call H-E-D-I?
24 A. HEDL.
25 Q. Highly effective, effective

Page 32

1 EDITH HIGGINS
2 developing and ineffective, correct?
3 A. Yes.
4 Q. When did that start?
5 A. 2012.
6 Q. 2012-2013?
7 A. Yeah, to my recall.
8 Q. So to your recall 2013-2014 would
9 have been the second year that that system
10 was in place; is that correct?
11 A. Yes.
12 Q. Now, how are classroom
13 assignments made within a particular grade at
14 Washington Rose?
15 MR. SMITH: Objection.
16 MR. WOLIN: Let me withdraw
17 that.
18 Q. How is classroom size determined
19 in Washington Rose?
20 A. The classroom size is
21 contractual. It's not, you know, confined
22 just to Washington Rose.
23 Q. And what is that contractual
24 provision?
25 A. K through 2 -- K through 1 or K.

Page 33

1 EDITH HIGGINS
2 through 2 is twenty-eight students. Then 3
3 through 6 is thirty-three.
4 Q. And when you say twenty-eight, is
5 that the maximum number?
6 A. That's the maximum?
7 Q. At any one time?
8 A. Yes.
9 Q. Students may come in and out of a
10 classroom during the course of a year, right,
11 students are transferred in and out, am I
12 correct, occasionally?
13 A. Yes.
14 Q. So it's twenty-eight at any one
15 time, correct?
16 A. Yes.
17 Q. Now, during the 2013-2014 school
18 year, to your knowledge, did Ms. McCarthy
19 complain about the size of her classroom?
20 When I say size of the classroom, I mean the
21 number of students in the classroom?
22 A. Not to my recall.
23 Q. Do you have any reason to believe
24 that she complained to Mr. Braswell about
25 that issue?

Page 34

1 EDITH HIGGINS
2 A. Not to my recall.
3 Q. During the 2013-2014 school year,
4 if you know, was Ms. McCarthy, in fact,
5 assigned as many as twenty-eight students at
6 anyone time?
7 A. Not to my recall.
8 Q. Were there first grade classrooms
9 teachers in 2013-2014 who had less than
10 twenty-eight students assigned to the
11 classroom?
12 A. Not to my recall.
13 Q. Were any of the students, if you
14 know, who were assigned to Ms. McCarthy's
15 classroom during 2013-2014 considered special
16 needs students?
17 A. No. Not to my recall.
18 Q. Is there a definition that the
19 district uses of what constitutes a special
20 needs student?
21 A. Special needs students are
22 normally classified as such and they receive
23 special education services.
24 Q. Right.
25 A. And they'll receive a special

Page 35

1 EDITH HIGGINS
2 class as well.
3 Q. So it's your testimony that a
4 student has to be classified?
5 A. To be considered special needs,
6 yeah.
7 Q. And did Ms. McCarthy, to your
8 knowledge, have any of those students?
9 A. Not to my knowledge.
10 Q. Did she ever, in fact, complain
11 or let me ask you this. Is there any
12 classification between special needs and just
13 regular students?
14 A. Yes. You have gen ed students,
15 general education students and special
16 education students.
17 Q. So you are equating special ed
18 with special needs; am I correct?
19 A. Yes.
20 Q. Then there's gen ed?
21 A. General ed.
22 Q. That's in between.
23 A. No. A general ed student is an
24 unclassified student. I would say I'm am
25 certified in special education and I taught

Page 36

1 EDITH HIGGINS
2 special education self-contained for several
3 years and I have two children who are special
4 needs.
5 So you have general ed students
6 who are not classified, they're not special
7 needs then you have general ed students.
8 Q. What about students who are not
9 classified that are considered to have
10 behavioral issues?
11 A. The students who are not
12 classified that have behavioral issues?
13 Q. Right. Does the district
14 identify any general ed students as having
15 behavioral issues?
16 A. Not to my knowledge.
17 Q. Did Ms. McCarthy, during the
18 2013-2014 school year, to your knowledge,
19 complain that she was being given an
20 excessive student load?
21 MR. SMITH: Objection.
22 A. Not to my knowledge.
23 Q. Did she ever complain, to your
24 knowledge, that she was being given students
25 who were more challenged than the other first

Page 37

1 EDITH HIGGINS
2 grade teachers were being given?
3 MR. SMITH: Objection.
4 A. Can you -- I don't --
5 Q. Did Ms. McCarthy ever, to your
6 knowledge, complain that she was being given
7 more students who perhaps were more
8 challenged than other teachers were being
9 given?
10 MR. SMITH: Objection.
11 A. I don't recall that.
12 Q. Let's take a two second break.
13 MR. SMITH: Sure.
14 (Whereupon, at this time, a brief
15 recess was taken.)
16 Q. What is a formal observation?
17 A. A formal observation is when the
18 administrator will make an appointment to
19 meet with the teacher to discuss lesson --
20 we'll do a pre-observation conference where
21 we sit with the teacher and she'll walk us
22 through her intended lesson and, you know, we
23 give feedback and so forth. Then we schedule
24 to come in for an entire forty-minute period
25 to observe her doing the lesson. Then we

10 (Pages 34 - 37)

<p>Page 38</p> <p>1 EDITH HIGGINS</p> <p>2 will schedule a post-observation conference</p> <p>3 to discuss the lesson.</p> <p>4 Q. And as the assistant principal,</p> <p>5 do you conduct formal observations of</p> <p>6 teachers?</p> <p>7 A. Yes.</p> <p>8 Q. And is here any policy in</p> <p>9 practice in the district as to the number of</p> <p>10 formal observations a tenured teacher</p> <p>11 receives during any school year?</p> <p>12 A. There's one formal.</p> <p>13 Q. Did Ms. McCarthy, in fact,</p> <p>14 receive one formal observation during the</p> <p>15 2013-2014 school year?</p> <p>16 A. Yes.</p> <p>17 Q. Who issued it to her?</p> <p>18 A. I'm not -- I don't know if it was</p> <p>19 me or Mr. Braswell.</p> <p>20 Q. I'm sorry?</p> <p>21 A. I don't recall if it was me or</p> <p>22 Mr. Braswell.</p> <p>23 Q. I show what we just marked as</p> <p>24 Exhibit 1; have you ever seen that document</p> <p>25 before?</p>	<p>Page 39</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. What is it?</p> <p>4 A. This is an observation rubric.</p> <p>5 Q. Is that an observation rubric</p> <p>6 that was issued to anyone?</p> <p>7 A. Yes.</p> <p>8 Q. To whom was it issued.</p> <p>9 A. I'm reading Ms. McCarthy on the</p> <p>10 top.</p> <p>11 Q. Did someone issue it to you her?</p> <p>12 A. Yes.</p> <p>13 Q. Who issued it to her?</p> <p>14 A. Me, Edith Higgins. I'm on the</p> <p>15 top.</p> <p>16 Q. So this document, in fact,</p> <p>17 refreshes your recollection that you issued</p> <p>18 Ms. McCarthy's observation report that she</p> <p>19 received during the 2013-2014 school year?</p> <p>20 A. Yes.</p> <p>21 Q. And on what date did you observe</p> <p>22 Ms. McCarthy?</p> <p>23 A. The date reads, "April 8th,</p> <p>24 2014."</p> <p>25 Q. And what is the date of this</p>	<p>Page 40</p> <p>1 EDITH HIGGINS</p> <p>2 report?</p> <p>3 A. Excuse me?</p> <p>4 Q. The date of the report.</p> <p>5 A. It says here that it was</p> <p>6 conducted on April 8th, 2014.</p> <p>7 Q. Okay. And on the right-hand</p> <p>8 portion on the top it says, "Date completed</p> <p>9 4/22/14," what is meant by date completed?</p> <p>10 Do you see what I'm referring to?</p> <p>11 A. That is probably the date that I</p> <p>12 typed it and put it in the system.</p> <p>13 Q. So you actually performed the</p> <p>14 observation on April 8th?</p> <p>15 A. Yes.</p> <p>16 Q. And you completed the actual</p> <p>17 written report on April 22nd?</p> <p>18 A. Yes.</p> <p>19 Q. Now, does Mr. Braswell also issue</p> <p>20 observations to teachers?</p> <p>21 A. Yes.</p> <p>22 Q. How is it determined when he will</p> <p>23 do so and you will do so?</p> <p>24 A. We share in it.</p> <p>25 Q. And how is it determined who is</p>	<p>Page 41</p> <p>1 EDITH HIGGINS</p> <p>2 going to observe a particular teacher?</p> <p>3 A. We -- well, I develop a chart so</p> <p>4 that we can keep track of everyone's</p> <p>5 observations and who goes in, so that we can</p> <p>6 go in an even amount of times.</p> <p>7 Q. At some point in the school year</p> <p>8 do you and he collaborate and formulate an</p> <p>9 observation schedule or how does work?</p> <p>10 A. Yes. That's developed at the</p> <p>11 beginning of the year.</p> <p>12 Q. Now, according to this you</p> <p>13 observed Ms. McCarthy on April 8th?</p> <p>14 A. Yes.</p> <p>15 Q. When was it determined that Ms.</p> <p>16 McCarthy would be observed on April 8th?</p> <p>17 A. I don't recall.</p> <p>18 Q. But sometime prior thereto?</p> <p>19 A. Yeah, yeah.</p> <p>20 Q. And with reference to a formal</p> <p>21 observation, is there some type of what's</p> <p>22 called a pre-observation conference done with</p> <p>23 the teacher?</p> <p>24 A. Yes.</p> <p>25 Q. Was that done here?</p>
---	---	--	---

11 (Pages 38 - 41)

<p style="text-align: right;">Page 42</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember when you did it?</p> <p>4 A. No.</p> <p>5 Q. Do you have any policy concerning</p> <p>6 how much before the formal observation you</p> <p>7 hold the pre-observation conference?</p> <p>8 A. We try to do it as short as</p> <p>9 possible and then sometimes the teacher will</p> <p>10 ask for more time or whatever the case might</p> <p>11 be. So we try to be accommodating, but the</p> <p>12 pre-observation conference and the</p> <p>13 observation, they are not too far apart.</p> <p>14 Q. Does the teacher have to provide</p> <p>15 you with a lesson plan in advance of the</p> <p>16 lesson?</p> <p>17 A. Yes.</p> <p>18 Q. And is that done at the</p> <p>19 pre-observation conference?</p> <p>20 A. Yes.</p> <p>21 Q. Did Ms. McCarthy do that here?</p> <p>22 A. I don't recall, but I'm pretty</p> <p>23 sure she did.</p> <p>24 Q. This report has, as we identified</p> <p>25 it, the highly effective, effective,</p>	<p style="text-align: right;">Page 44</p> <p>1 EDITH HIGGINS</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Now, in prior years you also</p> <p>5 received observation reports, before you</p> <p>6 became the assistant principal.</p> <p>7 A. At the end of the year, yes.</p> <p>8 Q. So you received one observation</p> <p>9 at the end of the year?</p> <p>10 A. Yes.</p> <p>11 Q. And what was the rubric on that?</p> <p>12 A. I don't recall.</p> <p>13 Q. Now, is there a rubric score</p> <p>14 that's given to a teacher pursuant to such an</p> <p>15 observation that we have before us?</p> <p>16 A. Can you rephrase that?</p> <p>17 Q. Is there something called a</p> <p>18 rubric score that's given to a teacher</p> <p>19 pursuant to the observation that we have</p> <p>20 before us?</p> <p>21 A. A rubric score?</p> <p>22 Q. Yes.</p> <p>23 A. I know at the end of the -- I</p> <p>24 don't see it there. At the end, when you go</p> <p>25 on-line. I don't see it here.</p>
<p style="text-align: right;">Page 43</p> <p>1 EDITH HIGGINS</p> <p>2 developing and ineffective criteria; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Is it your testimony that this</p> <p>6 was the second year that this criteria was</p> <p>7 implemented?</p> <p>8 A. To my knowledge.</p> <p>9 Q. And prior to the implementation</p> <p>10 of this type of evaluation, what was the</p> <p>11 rating scale on the prior ones?</p> <p>12 A. I'm not aware.</p> <p>13 Q. Did you receive them prior to</p> <p>14 being an assistant principal?</p> <p>15 A. This Kim Marshall rubric was</p> <p>16 introduced when I became the assistant</p> <p>17 principal, to me. I have never used</p> <p>18 anything, other than the Kim Marshall rubric.</p> <p>19 Q. During the 2012-2013 school year</p> <p>20 when you were still a teacher, did you</p> <p>21 receive an observation report of this type?</p> <p>22 A. Yes.</p> <p>23 Q. So when you were a teacher or the</p> <p>24 last year you were a teacher, you received an</p> <p>25 observation report of this type; is that</p>	<p style="text-align: right;">Page 45</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Let's go through it.</p> <p>3 A. At the end.</p> <p>4 Q. Look at page 2, actually page 1,</p> <p>5 which is at the end of A, it says, "Rubric</p> <p>6 score 30 out of 40"; do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And that's something that you</p> <p>9 formulate; is that correct?</p> <p>10 A. Yeah.</p> <p>11 Q. And based upon what do you</p> <p>12 formulate a rubric score?</p> <p>13 A. Well, this is the total of points</p> <p>14 that she got. She got all effective for</p> <p>15 planning and preparation and so with all</p> <p>16 effective she got thirty out of forty.</p> <p>17 Q. So that's with reference to A,</p> <p>18 you see it says A here, planning and</p> <p>19 preparation?</p> <p>20 A. Yes.</p> <p>21 Q. With reference TO planning and</p> <p>22 preparation she got thirty out OF forty,</p> <p>23 right.</p> <p>24 A. Out of forty, uh-huh.</p> <p>25 Q. So theoretically if there are ten</p>

12 (Pages 42 - 45)

<p>Page 46</p> <p>1 EDITH HIGGINS</p> <p>2 categories and someone receives all</p> <p>3 effectives that would translate to being</p> <p>4 thirty over forty, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Then there's the next rating</p> <p>7 category called classroom management; do you</p> <p>8 see that?</p> <p>9 A. Yes.</p> <p>10 Q. And on that she received what?</p> <p>11 A. Twenty-nine out of the forty.</p> <p>12 Q. And that's because she received</p> <p>13 one developing in that category; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And what is meant by developing?</p> <p>17 A. Developing means that we're just</p> <p>18 giving attention, we're going to work and</p> <p>19 give more attention to that element.</p> <p>20 Q. So does that mean that the</p> <p>21 teacher in that particular element is less</p> <p>22 than effective?</p> <p>23 A. That means that it wasn't seen.</p> <p>24 I only could write what I see and it wasn't</p> <p>25 seen and we need to work on that. The</p>	<p>Page 48</p> <p>1 EDITH HIGGINS</p> <p>2 effective would be thirty out of forty; is</p> <p>3 that correct?</p> <p>4 MR. SMITH: Objection.</p> <p>5 A. No, not necessary, sir. Because</p> <p>6 at the end of every observation, and I don't</p> <p>7 see it here, but it will give an overall.</p> <p>8 Like now when teachers go on to see their</p> <p>9 eval -- to see the rubric. At the end it</p> <p>10 will total all the points and it will give a</p> <p>11 range of effective, overall effective,</p> <p>12 overall developing.</p> <p>13 So in looking at this</p> <p>14 observation, Ms. McCarthy was given a lot of</p> <p>15 effective. So based on the scale, the</p> <p>16 district scale and my assumption, this</p> <p>17 overall observation would still be rated</p> <p>18 effective.</p> <p>19 Q. Even though it was --</p> <p>20 A. So even though she's developing</p> <p>21 in certain elements, which means that we just</p> <p>22 need you to give more attention to this, not</p> <p>23 saying that your horrible, but just give</p> <p>24 attention. Because, you know, if you don't</p> <p>25 get some type of a -- just pulling of a</p>
<p>Page 47</p> <p>1 EDITH HIGGINS</p> <p>2 criteria for effective was not there. So we</p> <p>3 need to work on that area.</p> <p>4 Q. Now, the next category C on page</p> <p>5 2, which by the way also is Bathe stamped</p> <p>6 McCarthy 65, indicates --</p> <p>7 A. Sorry, sir?</p> <p>8 MR. SMITH: Don't worry about</p> <p>9 that.</p> <p>10 Q. Exhibit C, delivery of</p> <p>11 instruction?</p> <p>12 A. Yes.</p> <p>13 Q. And with reference to that, C,</p> <p>14 delivery of instruction, she received a</p> <p>15 rubric score of 26 out of 40; is that</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. So that means that with reference</p> <p>19 to delivery and instruction, on an overall</p> <p>20 basis she was less than effective; is that</p> <p>21 correct?</p> <p>22 A. In three elements.</p> <p>23 MR. SMITH: Objection.</p> <p>24 Q. But on an overall basis it</p> <p>25 totaled less than effective, because</p>	<p>Page 49</p> <p>1 EDITH HIGGINS</p> <p>2 coattail, they are not -- no one will stop to</p> <p>3 think about that or to put some more effort</p> <p>4 there or to put some more time into those</p> <p>5 particular elements. So that's developing.</p> <p>6 It's not a bad thing --</p> <p>7 I explain it to the teachers all</p> <p>8 the time. We all get developing. Myself as</p> <p>9 an administrator, when I'm evaluated, I will</p> <p>10 get a developing. That means that's an area</p> <p>11 that I am going to work on. That's an area</p> <p>12 that I need to grow in.</p> <p>13 Q. But you will state that effective</p> <p>14 is thirty out of forty; is that correct?</p> <p>15 A. I don't know about this element.</p> <p>16 I don't know about -- I don't know about this</p> <p>17 particular section. This particular section,</p> <p>18 what are we looking at the?</p> <p>19 Q. C, which she received twenty-six</p> <p>20 out of forty.</p> <p>21 A. Delivery of instruction. So it</p> <p>22 would be forty, forty would be the highest.</p> <p>23 Q. Right. You will state, will you,</p> <p>24 with reference to C there are a ten</p> <p>25 categories?</p>

13 (Pages 46 - 49)

<p>Page 50</p> <p>1 EDITH HIGGINS</p> <p>2 A. I believe so. Yeah.</p> <p>3 Q. Are there in fact ten categories</p> <p>4 with reference to each of these heading is</p> <p>5 that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And so effective would be three</p> <p>8 times ten or thirty out of forty is that</p> <p>9 correct?</p> <p>10 A. I don't know, sir.</p> <p>11 MR. SMITH: Objection.</p> <p>12 A. I didn't orchestrate the scale.</p> <p>13 Q. But the bottom-line is, with</p> <p>14 reference to C, she received a rubric of</p> <p>15 twenty-six out of forty; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Now, moving onto D, which is</p> <p>18 entitled, "Monitoring, assessment and</p> <p>19 follow-up; do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And with reference to that, she</p> <p>22 received a rubric score of thirty out of</p> <p>23 forty; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. So in total with reference to</p>	<p>Page 51</p> <p>1 EDITH HIGGINS</p> <p>2 this observation, she received eight</p> <p>3 categories of developing; is that correct?</p> <p>4 Can you confirm that for me?</p> <p>5 A. Yes.</p> <p>6 Q. Now, moving right along to the</p> <p>7 page that's numbered McCarthy 67, I'm looking</p> <p>8 at a zero; do you have any idea why there's a</p> <p>9 zero there?</p> <p>10 A. No.</p> <p>11 Q. What is supposed to be in that</p> <p>12 box?</p> <p>13 A. Based on what we have now, the</p> <p>14 system has been -- is better now in terms of</p> <p>15 it gives the teacher's overall score for</p> <p>16 their observation. It will tell them based</p> <p>17 on their score if you are effective,</p> <p>18 developing, ineffective, highly effective.</p> <p>19 And based on how the scores are now, the</p> <p>20 scale, it's very hard to get an overall</p> <p>21 developing.</p> <p>22 In looking at this and completing</p> <p>23 many observations, looking at this, I'm</p> <p>24 almost positive that the overall score for</p> <p>25 this would be effective. She would still be</p>	<p>Page 52</p> <p>1 EDITH HIGGINS</p> <p>2 in the effective range.</p> <p>3 Q. Where does it say that?</p> <p>4 A. I'm saying based on my experience</p> <p>5 for the past three years and now what</p> <p>6 teachers are able to do as of last year when</p> <p>7 they go to the end -- to the end of the</p> <p>8 bottom end, it will have an overall score for</p> <p>9 the observation. Based on that overall score</p> <p>10 they'll give you a overall rating of highly</p> <p>11 effective, effective developing, ineffective.</p> <p>12 So based on what I'm seeing here</p> <p>13 with Ms. McCarthy, I would assume, I'm not</p> <p>14 saying it's definite, but I would strongly</p> <p>15 assume that the overall rating for this</p> <p>16 observation would be in the effective range,</p> <p>17 which is not ineffective, she's just</p> <p>18 developing.</p> <p>19 Q. But developing is less than</p> <p>20 effective, correct?</p> <p>21 A. Okay.</p> <p>22 Q. Do you see any overall score</p> <p>23 here?</p> <p>24 A. I don't see it, but as I stated,</p> <p>25 based on my experience with completing these</p>	<p>Page 53</p> <p>1 EDITH HIGGINS</p> <p>2 for the past three years, I would say that</p> <p>3 overall she would -- if there was a score at</p> <p>4 the bottom of this observation, the overall</p> <p>5 would be -- this would be considered an</p> <p>6 effective observation.</p> <p>7 Q. Effective in your opinion?</p> <p>8 A. Yes.</p> <p>9 Q. I'm still a little confused as to</p> <p>10 what the significance of that zero is?</p> <p>11 A. And so am I.</p> <p>12 Q. So you don't know?</p> <p>13 A. I don't know.</p> <p>14 Q. Now, during this 2013-2014 school</p> <p>15 year, did you observe the other first grade</p> <p>16 teachers?</p> <p>17 A. Yes.</p> <p>18 Q. So is it fair to say or is it a</p> <p>19 fact that in collaborating with Mr. Braswell</p> <p>20 in determining who observes who that you</p> <p>21 break it down by grades or am I wrong?</p> <p>22 A. No. We observe, he and myself</p> <p>23 observe all the grade levels.</p> <p>24 Q. So did you not observe all of the</p> <p>25 first grade teachers?</p>
---	---	---	--

14 (Pages 50 - 53)

<p>Page 54</p> <p>1 EDITH HIGGINS</p> <p>2 A. I did.</p> <p>3 Q. You did?</p> <p>4 A. Uh-huh, yes.</p> <p>5 Q. Was that by design between you</p> <p>6 and Mr. Braswell that you would observe all</p> <p>7 of the particular grade teachers?</p> <p>8 A. Both Mr. Braswell and myself</p> <p>9 observe all of the teachers in the building.</p> <p>10 We develop a chart, all of the teachers get a</p> <p>11 number of observations. We take turns going</p> <p>12 in to see all of the teachers.</p> <p>13 Q. I thought you said teachers get</p> <p>14 one formal?</p> <p>15 A. They get one formal, one informal</p> <p>16 and five mini observations.</p> <p>17 Q. Now, I think we established that</p> <p>18 you gave Ms. McCarthy eight developing in</p> <p>19 this observation; is that correct?</p> <p>20 A. She received eight, yes.</p> <p>21 Q. Did any other first grade teacher</p> <p>22 in 2013-2014 receive as many as eight</p> <p>23 developing in the observation that you</p> <p>24 provided?</p> <p>25 A. I don't recall.</p>	<p>Page 55</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Sitting here today, do you</p> <p>3 remember giving any first grade teacher as</p> <p>4 many as eight developing in their observation</p> <p>5 during 2013-2014?</p> <p>6 A. I don't recall.</p> <p>7 Q. Now, a time came, am I correct,</p> <p>8 that Ms. McCarthy complained about this</p> <p>9 observation; is that correct?</p> <p>10 MR. SMITH: Objection.</p> <p>11 A. I don't recall her complaining</p> <p>12 about this observation.</p> <p>13 Q. Did you and Mr. Braswell ever</p> <p>14 communicate concerning this particular</p> <p>15 observation?</p> <p>16 A. I don't recall.</p> <p>17 Q. Did Ms. McCarthy, to your</p> <p>18 knowledge, agree with this observation?</p> <p>19 A. I don't recall.</p> <p>20 Q. Did she ever furnish any writing</p> <p>21 evidencing her disagreement with it?</p> <p>22 A. Any writing?</p> <p>23 Q. Yes.</p> <p>24 A. I don't see anything.</p> <p>25 Q. Did she ever submit, to your</p>	<p>Page 56</p> <p>1 EDITH HIGGINS</p> <p>2 knowledge, a written rebuttal to this</p> <p>3 observation and report?</p> <p>4 A. I don't see any rebuttal here, so</p> <p>5 I don't recall receiving anything.</p> <p>6 MR. WOLIN: Mark this and maybe</p> <p>7 it which will refresh your</p> <p>8 recollection.</p> <p>9 (Whereupon, at this time, the</p> <p>10 above-mentioned observation report</p> <p>11 was marked by the reporter as</p> <p>12 Plaintiff's Exhibit 2, for</p> <p>13 identification, as of this date.)</p> <p>14 Q. I show what we have marked as</p> <p>15 Exhibit 2; have you ever seen that document</p> <p>16 before?</p> <p>17 A. I don't recall seeing this. Who</p> <p>18 was this addressed to?</p> <p>19 Q. Well, it speaks for itself.</p> <p>20 There's no one specifically here that it's</p> <p>21 addressed to, but it says, "This is a</p> <p>22 rebuttal in reference to my observation of</p> <p>23 April 8, 2014," so all I'm asking you is if</p> <p>24 you have ever seen it before?</p> <p>25 A. Not that I recall. I don't</p>	<p>Page 57</p> <p>1 EDITH HIGGINS</p> <p>2 recall that.</p> <p>3 Q. A moment ago you also referred to</p> <p>4 a mini observation; what is a mini</p> <p>5 observation?</p> <p>6 A. That's when we go in for fifteen</p> <p>7 minutes.</p> <p>8 Q. And is there any policy or</p> <p>9 practice concerning the number of mini</p> <p>10 observations that a tenured teacher receives</p> <p>11 in any school year?</p> <p>12 A. Yes.</p> <p>13 Q. What is that policy or practice?</p> <p>14 A. Five.</p> <p>15 Q. And as the assistant principal,</p> <p>16 do you do mini observations?</p> <p>17 A. Yes.</p> <p>18 Q. And does Mr. Braswell also do</p> <p>19 mini observations.</p> <p>20 A. Yes.</p> <p>21 Q. How is it determined who would do</p> <p>22 what when?</p> <p>23 A. It's the chart that I explained</p> <p>24 earlier.</p> <p>25 Q. Are the mini observations planned</p>
---	--	---	--

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 EDITH HIGGINS</p> <p>2 in advance?</p> <p>3 A. Yeah.</p> <p>4 Q. How far in advance?</p> <p>5 A. Well in advance. I can't give</p> <p>6 you a time.</p> <p>7 Q. So you say well in advance. Are</p> <p>8 you saying that a fifteen mini visit to a</p> <p>9 classroom on a particular day is planned well</p> <p>10 in advance of that particular day?</p> <p>11 A. Yes. As I explained earlier a</p> <p>12 chart is made, all teachers are on the chart</p> <p>13 with the number of observations and Mr.</p> <p>14 Braswell and I will converse in terms of who</p> <p>15 is next and so forth. We take turns going</p> <p>16 in.</p> <p>17 Q. Do you still have that chart from</p> <p>18 2013-2014?</p> <p>19 A. I'm not sure.</p> <p>20 Q. And during the 2013-2014 school</p> <p>21 year, did you conduct mini observations of</p> <p>22 Ms. McCarthy.</p> <p>23 A. I'm sure I did.</p> <p>24 Q. Does the teacher receive notice</p> <p>25 of the mini observation?</p>	<p style="text-align: right;">Page 60</p> <p>1 EDITH HIGGINS</p> <p>2 Q. So if it says observation 1,</p> <p>3 would that indicate that on April 8th that</p> <p>4 was the first mini that she received?</p> <p>5 A. No. I wouldn't say that's the</p> <p>6 first one, if the school year was -- started</p> <p>7 in September of 2013.</p> <p>8 Q. It's your testimony that Exhibit</p> <p>9 1 is a mini observation; is that correct.</p> <p>10 A. Yes.</p> <p>11 MR. WOLIN: Why don't we mark</p> <p>12 this as Exhibit 3.</p> <p>13 (Whereupon, at this time, the</p> <p>14 above-mentioned observation report</p> <p>15 was marked by the reporter as</p> <p>16 Plaintiff's Exhibit 3, for</p> <p>17 identification, as of this date.)</p> <p>18 Q. I show you what we just marked as</p> <p>19 Exhibit 3; have you ever seen that document</p> <p>20 before.</p> <p>21 A. Yes.</p> <p>22 Q. What is it?</p> <p>23 A. This is a mini observation.</p> <p>24 Q. Is this a mini observation that</p> <p>25 you conducted of Ms. McCarthy?</p>
<p style="text-align: right;">Page 59</p> <p>1 EDITH HIGGINS</p> <p>2 A. No.</p> <p>3 Q. How does the rubric with</p> <p>4 reference to a mini observation differ, if at</p> <p>5 all, from the rubric that we have just seen</p> <p>6 on the formal observation?</p> <p>7 A. Well, for the mini we are just</p> <p>8 completing A, B, C and D, so there's just</p> <p>9 four. Wait a minute. This is not a formal</p> <p>10 observation that I'm looking at. This is a</p> <p>11 mini.</p> <p>12 Q. Well, it says formal on it. Is</p> <p>13 that the one that we just marked?</p> <p>14 A. Exhibit 1 is not a formal.</p> <p>15 Q. So you're saying it's not a</p> <p>16 formal?</p> <p>17 A. No.</p> <p>18 Q. Even though it says observation</p> <p>19 1?</p> <p>20 A. Right. It's not a formal.</p> <p>21 Q. So what type of this observation</p> <p>22 is it?</p> <p>23 A. This is a mini.</p> <p>24 Q. It's a mini?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. And when did you conduct this</p> <p>4 mini observation?</p> <p>5 A. February 6th, 2014.</p> <p>6 Q. And this document is, in fact,</p> <p>7 entitled mini observation 1; is that correct.</p> <p>8 A. Yes.</p> <p>9 Q. Well, if this is entitled mini</p> <p>10 observation 1e and if that one was in</p> <p>11 February, which predated April, then how do</p> <p>12 you say that Exhibit 1 is a mini observation?</p> <p>13 A. Because the formal observation</p> <p>14 has additional categories. The mini</p> <p>15 observation only goes up to D. A, B, C, and</p> <p>16 D.</p> <p>17 Q. So how do you reconcile the fact</p> <p>18 that Exhibit 3 says mini observation 1 and</p> <p>19 that's in April and Exhibit 1 is just</p> <p>20 entitled observation 1?</p> <p>21 A. Sir, I don't know.</p> <p>22 Q. I'm sorry. I misspoke.</p> <p>23 How do you reconcile the fact</p> <p>24 that Exhibit 3, which is entitle mini</p> <p>25 observation 1 is dated in February and</p>

16 (Pages 58 - 61)

<p style="text-align: right;">Page 62</p> <p>1 EDITH HIGGINS</p> <p>2 Exhibit 1, which you have before you, is</p> <p>3 entitled observation 1 and that's dated in</p> <p>4 April, so how do you reconcile that?</p> <p>5 A. I don't know. I don't know why</p> <p>6 it says that. But I know if this is just A,</p> <p>7 B, C, D, whereas if it was a formal the</p> <p>8 formal goes up to F. It's two additional</p> <p>9 categories on the formal, yeah.</p> <p>10 Q. Now, I want to direct your</p> <p>11 attention to Exhibit 3; do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Even though you can't reconcile</p> <p>14 it, that is entitled mini observation 1; is</p> <p>15 that correct?</p> <p>16 A. Yes.</p> <p>17 Q. So would you state that Exhibit 3</p> <p>18 is, in fact, the first mini observation that</p> <p>19 you made of Ms. McCarthy during the 2013-2014</p> <p>20 school year?</p> <p>21 A. No, I can't. I can't.</p> <p>22 Q. You can't? So then why is it</p> <p>23 labeled mini observation 1 if you can't say</p> <p>24 that this is the first observation that you</p> <p>25 performed of Ms. McCarthy during the 13-14</p>	<p style="text-align: right;">Page 64</p> <p>1 EDITH HIGGINS</p> <p>2 A. I don't see any scores, sir.</p> <p>3 Q. How about on the top of page 2,</p> <p>4 McCarthy 41, does it say rubric score twenty</p> <p>5 out of thirty?</p> <p>6 A. Yes, it does.</p> <p>7 Q. And how about on the top of page</p> <p>8 3, McCarthy 42, does it say rubric score 14</p> <p>9 out of 24?</p> <p>10 A. Yes.</p> <p>11 Q. And on the top of page four does</p> <p>12 it say rubric score 14 out of 21?</p> <p>13 A. Yes.</p> <p>14 Q. And on the bottom of page 4 does</p> <p>15 it say rubric score 14 out of 24?</p> <p>16 A. Yes?</p> <p>17 Q. So it does have rubric scores; am</p> <p>18 I correct?</p> <p>19 A. It has scores, but the ratings</p> <p>20 are not there. That's what I was referring</p> <p>21 to.</p> <p>22 Q. Now, with reference to mini</p> <p>23 observation A, which is A, planning and</p> <p>24 preparation, if she received a twenty out the</p> <p>25 of thirty, what would that tell you as far as</p>
<p style="text-align: right;">Page 63</p> <p>1 EDITH HIGGINS</p> <p>2 school year?</p> <p>3 MR. SMITH: Objection.</p> <p>4 Q. You can still answer.</p> <p>5 A. Okay. Maybe this was. I'm not</p> <p>6 recalling.</p> <p>7 Q. Maybe this was what?</p> <p>8 A. Because it says mini observation</p> <p>9 1. I don't recall the format. So with the</p> <p>10 other document -- I guess mini observation</p> <p>11 2 -- I don't know. I'm sorry. I don't</p> <p>12 recall.</p> <p>13 Q. Now, with reference to Exhibit 3,</p> <p>14 what was the rating rubric in Exhibit 3?</p> <p>15 A. What was the rating rubric?</p> <p>16 Q. Yes?</p> <p>17 MR. SMITH: Objection.</p> <p>18 Q. What was the rubric?</p> <p>19 A. It's still Kim Marshall.</p> <p>20 Q. How was Ms. McCarthy rated in</p> <p>21 Exhibit 3?</p> <p>22 A. Well, I can't see it. They are</p> <p>23 not darkened, so I can't really speak to</p> <p>24 them.</p> <p>25 Q. Are there any scores?</p>	<p style="text-align: right;">Page 65</p> <p>1 EDITH HIGGINS</p> <p>2 her rating is concerned?</p> <p>3 MR. SMITH: Objection.</p> <p>4 A. I don't know.</p> <p>5 Q. What --</p> <p>6 A. I can't speak to that, because</p> <p>7 the ratings are not here.</p> <p>8 Q. Do you know on the top of page 3</p> <p>9 where it says rubric score 14 out of 24, do</p> <p>10 you know how that was determined?</p> <p>11 A. No.</p> <p>12 Q. Do you know how any of these</p> <p>13 rubric scores were determined?</p> <p>14 A. I don't see the ratings, sir.</p> <p>15 Q. You mean you don't see the</p> <p>16 darkened block?</p> <p>17 A. Those are the ratings, yeah,</p> <p>18 those are the ratings.</p> <p>19 Q. And just to identify the other</p> <p>20 ones, did you issue any other mini</p> <p>21 observations to Ms. McCarthy during the</p> <p>22 2013-2014 school year?</p> <p>23 A. Possibly.</p> <p>24 MR. WOLIN: Why don't we mark</p> <p>25 this.</p>

17 (Pages 62 - 65)

<p style="text-align: right;">Page 66</p> <p>1 EDITH HIGGINS 2 (Whereupon, at this time, the 3 above-mentioned observation report 4 was marked by the reporter as 5 Plaintiff's Exhibit 4, for 6 identification, as of this date.) 7 Q. I show you Exhibit 4; have you 8 ever seen that document before? 9 A. Yes. 10 Q. Is this another mini observation 11 that you issued to Ms. McCarthy? 12 A. Yes. 13 Q. What is the date of this mini 14 observation? 15 A. March 31st, 2014. 16 Q. Is this labeled mini observation 17 2? 18 A. Yes. 19 MR. WOLIN: Let's mark this 20 Exhibit 5. 21 (Whereupon, at this time, the 22 above-mentioned Observation report 23 was were marked by the reporter as 24 Plaintiff's Exhibit s 5, for 25 identification, as of this date.)</p>	<p style="text-align: right;">Page 68</p> <p>1 EDITH HIGGINS 2 observations within one week of each other? 3 A. Can you say again? 4 Q. Are there circumstances whereby a 5 teacher is given a mini observation within 6 one week of each other? 7 A. Possibly. 8 Q. What circumstances? 9 A. Within one week of each other? 10 Q. Within one week, yes? Could a 11 teach receive two mini observations within a 12 week? 13 A. No, no. 14 MR. WOLIN: Why don't we mark 15 this. 16 (Whereupon, at this time, the 17 above-mentioned Observation report 18 was were marked by the reporter as 19 Plaintiff's Exhibit s 6, for 20 identification, as of this date.) 21 Q. I show you what was marked 22 Exhibit 6; have you ever seen that document 23 before, which indicates a mini observation 24 issued by Mr. Braswell? 25 A. No.</p>
<p style="text-align: right;">Page 67</p> <p>1 EDITH HIGGINS 2 Q. I show you Exhibit 5; have you 3 ever seen this document before? 4 A. Yes. 5 Q. Is this another mini observation 6 that you issued for Ms. McCarthy? 7 A. Yes. 8 Q. And what is the date of this mini 9 observation? 10 A. May 19th, 2014. 11 Q. Now, is there any policy and 12 practice concerning how long in between 13 observations should a teacher receive another 14 one? 15 A. No. 16 Q. Now, you indicated that these 17 mini observations are scheduled well in 18 advance; is that correct? 19 A. Well, not so much scheduled, but 20 we have a chart that we use and upon the 21 availability of my schedule and what's going 22 on in our building, we will conduct mini 23 observations. 24 Q. Could there be circumstances 25 under which a teacher is given two mini</p>	<p style="text-align: right;">Page 69</p> <p>1 EDITH HIGGINS 2 Q. Now, do you have any explanation 3 as to why you issued a mine observation of 4 Ms. McCarthy, I believe on May 25th, 2014, 5 which is Exhibit 5 and that he issued one on 6 May 26th; do you have any explanation as to 7 that? 8 A. No. You asked me do I -- do I 9 conduct two with one teacher in a week. No, 10 I don't do that myself. We have two 11 administrators in the building. 12 Q. But you indicated that the 13 schedule is predetermined; is that correct? 14 MR. SMITH: Objection. 15 A. We have a schedule. I told you 16 earlier, we have a schedule, it has the 17 teacher's name and it has their amount of 18 observations. We don't have dates next to 19 them in terms of the mini. 20 Q. Well, be that as it may, do you 21 have any explanation as to why Mr. Braswell 22 conducted a mini observation within two days 23 of yours? 24 A. No. 25 MR. SMITH: Objection. That's</p>

18 (Pages 66 - 69)

<p>Page 70</p> <p>1 EDITH HIGGINS</p> <p>2 actually not what the document said.</p> <p>3 You have to look at the dates of the</p> <p>4 observation, not the dates that they</p> <p>5 were submitted.</p> <p>6 Q. So it was still within one week</p> <p>7 of each other. So do you have any belief as</p> <p>8 to why you did a mini observation on May 19,</p> <p>9 2014 and Mr. Braswell would have done one on</p> <p>10 May 13th, 2014 --</p> <p>11 A. No.</p> <p>12 Q. -- all within the same week?</p> <p>13 A. No.</p> <p>14 MR. SMITH: Objection.</p> <p>15 Q. Do you have any idea why?</p> <p>16 A. Is that within the same week?</p> <p>17 Q. Well, May 13th and May 19, I</p> <p>18 would assume it's within seven days of each</p> <p>19 other.</p> <p>20 A. Right. Well, I --</p> <p>21 Q. As a math teacher you should</p> <p>22 know that.</p> <p>23 MR. SMITH: Okay, Alan.</p> <p>24 MR. WOLIN: I'm sorry. Go</p> <p>25 ahead.</p>	<p>Page 71</p> <p>1 EDITH HIGGINS</p> <p>2 A. Me myself, you asked if I go in</p> <p>3 twice within a week and I said no. There are</p> <p>4 two administrators in the building.</p> <p>5 Q. Do you have any idea why you</p> <p>6 conducted one within six days of Mr. Braswell</p> <p>7 conducting one?</p> <p>8 A. Well, we have five-day weeks.</p> <p>9 Our days are five. We have five-day weeks so</p> <p>10 it sounds like -- I don't know -- I can't</p> <p>11 say.</p> <p>12 Q. So you don't know why Mr.</p> <p>13 Braswell would have done an observation on</p> <p>14 May 13th and you would have done one</p> <p>15 approximately six days later on May 19th?</p> <p>16 A. No.</p> <p>17 Q. When you did your mini</p> <p>18 observation on May 19th, did you know that</p> <p>19 Mr. Braswell had done one on May 13th?</p> <p>20 A. I don't recall.</p> <p>21 Q. Now, I also notice here all of</p> <p>22 these mini observations that we have seen</p> <p>23 were all in the second half of the school</p> <p>24 year of 2013-2014. I think we have seen that</p> <p>25 your earliest one was in February. Is there</p>	<p>Page 72</p> <p>1 EDITH HIGGINS</p> <p>2 any policy or practice concerning when the</p> <p>3 mini observations are performed on teachers?</p> <p>4 A. No. Not that I am aware of.</p> <p>5 Q. Was there any reason why, with</p> <p>6 reference to Ms. McCarthy, they all were</p> <p>7 performed from February on?</p> <p>8 A. No.</p> <p>9 Q. I would like to direct your</p> <p>10 attention to May 28th, 2014; was there some</p> <p>11 kind of incident involving Ms. McCarthy that</p> <p>12 occurred on that day?</p> <p>13 A. What date was that?</p> <p>14 Q. May 28th, 2014?</p> <p>15 A. I believe so.</p> <p>16 Q. And were you working on that day?</p> <p>17 A. Yes.</p> <p>18 Q. What were your work hours that</p> <p>19 day?</p> <p>20 A. Our work hours? Well, I normally</p> <p>21 arrive to work between 7:15 and 7:30. So it</p> <p>22 could be anywhere in between there.</p> <p>23 Q. At some point during that school</p> <p>24 day, did you become aware of an incident</p> <p>25 involving Ms. McCarthy?</p>	<p>Page 73</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. And how did you become aware of</p> <p>4 that?</p> <p>5 A. What incident would you be</p> <p>6 referring to?</p> <p>7 Q. Well, why don't we mark this?</p> <p>8 MR. WOLIN: Well then, why don't</p> <p>9 we mark this.</p> <p>10 (Whereupon, at this time, the</p> <p>11 above-mentioned letter was marked by</p> <p>12 the reporter as Plaintiff's Exhibit</p> <p>13 7, for identification, as of this</p> <p>14 date.)</p> <p>15 Q. I am showing you Exhibit 7; have</p> <p>16 you ever seen that document before?</p> <p>17 A. Yes.</p> <p>18 Q. And what is this document?</p> <p>19 A. My summary.</p> <p>20 Q. Summary of what?</p> <p>21 A. Of what took place in the nurse's</p> <p>22 suite.</p> <p>23 Q. And that involved an incident</p> <p>24 involving Ms. McCarthy; is that correct?</p> <p>25 A. Yes.</p>
---	--	--	--

19 (Pages 70 - 73)

<p>Page 74</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Just so that we're on the same</p> <p>3 wavelength, this is the incident that I'm</p> <p>4 talking about, okay?</p> <p>5 A. Uh-huh.</p> <p>6 Q. So do you remember the incident</p> <p>7 that I'm talking about?</p> <p>8 A. Yes.</p> <p>9 Q. So my question was to backup, you</p> <p>10 indicated that at some point during the day</p> <p>11 you became aware of an incident involving Ms.</p> <p>12 McCarthy; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. When I asked you how did you</p> <p>15 become aware of that incident and you asked</p> <p>16 me what incident are you talking about, so</p> <p>17 that's the incident I'm talking about.</p> <p>18 A. Thank you, sir.</p> <p>19 Q. So the question is, how did you</p> <p>20 become aware of that?</p> <p>21 MR. SMITH: Objection. Go</p> <p>22 ahead.</p> <p>23 A. I was called, according to my</p> <p>24 summary --</p> <p>25 Q. Well, I would like you to testify</p>	<p>Page 75</p> <p>1 EDITH HIGGINS</p> <p>2 from your own recollection, rather than</p> <p>3 reading from the document?</p> <p>4 A. Uh-huh. The nurse called me out</p> <p>5 of the conference room.</p> <p>6 Q. Approximately what time were you</p> <p>7 called by the nurse out of the conference</p> <p>8 room?</p> <p>9 A. I don't recall what time.</p> <p>10 Q. Now, in Exhibit 7 you indicate</p> <p>11 that it was approximately 9:10 a.m.; does</p> <p>12 that sound right?</p> <p>13 A. Yes.</p> <p>14 Q. Now, you said you were called out</p> <p>15 of the conference room by the nurse?</p> <p>16 A. Yes.</p> <p>17 Q. Who was the nurse?</p> <p>18 A. Mrs. Chester.</p> <p>19 Q. How did she call you out of the</p> <p>20 conference room?</p> <p>21 A. She waved her hand to me and</p> <p>22 asked me to come out.</p> <p>23 Q. Did she come to you while you</p> <p>24 were in the conference room?</p> <p>25 A. She opened the door and she waved</p>	<p>Page 76</p> <p>1 EDITH HIGGINS</p> <p>2 to me to come out.</p> <p>3 Q. Who else was in the conference</p> <p>4 room at that time?</p> <p>5 A. Mr. Braswell, Ms. Wilks and the</p> <p>6 first grade teachers.</p> <p>7 Q. Does that include Ms. McCarthy?</p> <p>8 A. She wasn't in the conference</p> <p>9 room.</p> <p>10 Q. Do you know why she was not in</p> <p>11 the conference room?</p> <p>12 A. She stormed out.</p> <p>13 Q. Now, for what purpose were you in</p> <p>14 the conference room at that time?</p> <p>15 A. For a Math meeting.</p> <p>16 Q. What had occurred at that Math</p> <p>17 meeting prior to the nurse arriving?</p> <p>18 A. The math curriculum specialist</p> <p>19 was talking, meeting with the teachers and</p> <p>20 Mr. Braswell about the math curriculum for</p> <p>21 first grade.</p> <p>22 Q. And did you observe some type of</p> <p>23 dialogue between Mr. Braswell and Ms.</p> <p>24 McCarthy.</p> <p>25 A. Yes.</p>	<p>Page 77</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Could you describe that dialogue?</p> <p>3 A. That we were -- the teachers and</p> <p>4 Ms. Wilks and Mr. Braswell -- I was sitting</p> <p>5 as an administrator, just attending the</p> <p>6 meeting. They were discussing math, where we</p> <p>7 were, where we are going to go and the</p> <p>8 conversation had taken a turn. Ms. McCarthy</p> <p>9 began to discuss one of her students and had</p> <p>10 become emotional. I know Mr. Braswell had</p> <p>11 told her that that student loved her</p> <p>12 teacher -- that she loved her teacher and</p> <p>13 that was when Ms. McCarthy became very upset</p> <p>14 and she began to cry and she stormed out of</p> <p>15 the room.</p> <p>16 Q. Based upon what have you drawn</p> <p>17 the conclusion that she was upset?</p> <p>18 A. She was crying.</p> <p>19 Q. Anything else?</p> <p>20 A. She was crying and she stormed</p> <p>21 out of the room.</p> <p>22 Q. Now, you indicated that the</p> <p>23 subject matter turned to a student of Ms.</p> <p>24 McCarthy's; is that correct?</p> <p>25 A. Yes.</p>
---	--	--	--

20 (Pages 74 - 77)

<p style="text-align: right;">Page 78</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Can you tell us, as best you can</p> <p>3 recollect, what the actual conversation was</p> <p>4 between Mr. Braswell and Ms. McCarthy as you</p> <p>5 overheard it?</p> <p>6 A. Well, it wasn't so much a</p> <p>7 conversation. We were talking about math and</p> <p>8 Ms. McCarthy began to talk about one of her</p> <p>9 students in the room.</p> <p>10 Q. What did she say about the</p> <p>11 student?</p> <p>12 A. She was talking about how the --</p> <p>13 the difficulty I believe she was having with</p> <p>14 the student, a young female student, first</p> <p>15 grade. She was talk -- she began to speak</p> <p>16 about the difficulty she was having with that</p> <p>17 student.</p> <p>18 Q. What did she say about the</p> <p>19 difficulty?</p> <p>20 A. I don't recall specifically. I</p> <p>21 don't recall specifically. I remember her</p> <p>22 saying something about she stole some</p> <p>23 stickers from her. That's all I basically</p> <p>24 can recall about it. But she was going on</p> <p>25 about the difficulty she was having and she</p>	<p style="text-align: right;">Page 80</p> <p>1 EDITH HIGGINS</p> <p>2 people present do, if anything, after Ms.</p> <p>3 McCarthy left?</p> <p>4 A. We sat and her colleagues was</p> <p>5 just saying, they made reference to her just</p> <p>6 being upset.</p> <p>7 Q. Was there any specific discussion</p> <p>8 that you recall concerning what had just</p> <p>9 happened after Ms. McCarthy left?</p> <p>10 MR. SMITH: Objection.</p> <p>11 A. Her first grade colleagues, they</p> <p>12 were just feeling really bad for her.</p> <p>13 Q. After Ms. McCarthy left, did you</p> <p>14 say anything about what had happened?</p> <p>15 A. No.</p> <p>16 Q. Did Mr. Braswell say anything</p> <p>17 about what had just happened?</p> <p>18 A. No. I don't recall.</p> <p>19 Q. How long after Ms. McCarthy</p> <p>20 stormed out, to use your expression, did the</p> <p>21 nurse come to the conference room?</p> <p>22 A. I don't know. Maybe -- I don't</p> <p>23 know how much time past. It wasn't an hour.</p> <p>24 It was like maybe minutes.</p> <p>25 Q. How many minutes; can you</p>
<p style="text-align: right;">Page 79</p> <p>1 EDITH HIGGINS</p> <p>2 had her time to speak. And Mr. Braswell's</p> <p>3 response was that the child really loved her</p> <p>4 teacher, she really loved her teacher and</p> <p>5 that was when Ms. McCarthy just stormed out</p> <p>6 of the room.</p> <p>7 Q. Do you remember if Ms. McCarthy</p> <p>8 was talking about having this student be</p> <p>9 reassigned into her classroom after the</p> <p>10 student had been assigned out of the</p> <p>11 classroom?</p> <p>12 A. No.</p> <p>13 Q. So you say Ms. McCarthy was</p> <p>14 crying?</p> <p>15 A. Yes.</p> <p>16 Q. And you perceived her to be</p> <p>17 upset?</p> <p>18 A. Yes.</p> <p>19 Q. And she, to use your language,</p> <p>20 stormed out of the room?</p> <p>21 A. Yes.</p> <p>22 Q. Did the meeting continue after</p> <p>23 Ms. McCarthy left?</p> <p>24 A. Not -- no, no.</p> <p>25 Q. So what did you and the other</p>	<p style="text-align: right;">Page 81</p> <p>1 EDITH HIGGINS</p> <p>2 approximate?</p> <p>3 A. Five.</p> <p>4 Q. And did the nurse knock on the</p> <p>5 door, was the door closed?</p> <p>6 A. The door was closed.</p> <p>7 Q. Did the nurse knock on the door?</p> <p>8 A. She gently knocked, but then she</p> <p>9 just opened.</p> <p>10 Q. And then was there some type of</p> <p>11 conversation?</p> <p>12 A. No. She waved for me to come</p> <p>13 out.</p> <p>14 Q. She didn't say anything?</p> <p>15 A. Mrs. Higgins, please come?</p> <p>16 Q. Did she say why?</p> <p>17 A. No.</p> <p>18 Q. Did you leave the conference</p> <p>19 room?</p> <p>20 A. Yes. That's when I left.</p> <p>21 Q. Did anyone else leave the</p> <p>22 conference room?</p> <p>23 A. No.</p> <p>24 Q. Approximately what time of day</p> <p>25 was it that you left the conference room at</p>

21 (Pages 78 - 81)

<p style="text-align: right;">Page 82</p> <p>1 EDITH HIGGINS</p> <p>2 nurse's behest?</p> <p>3 A. Shortly -- well, you know, it was</p> <p>4 still morning.</p> <p>5 Q. Your statement says 9:10 a.m, so</p> <p>6 would you stand by that?</p> <p>7 A. Okay. Well, you asked me not to</p> <p>8 read, so I am reading.</p> <p>9 Q. That's fine. So after you left</p> <p>10 the conference room, did the nurse accompany</p> <p>11 you?</p> <p>12 A. The nurse asked me if I would</p> <p>13 please go back, come back to her area,</p> <p>14 because Ms. McCarthy was there she had been</p> <p>15 screaming and then, you know, we were in the</p> <p>16 conference room. So she just asked me to</p> <p>17 come back to help to console her.</p> <p>18 Q. And did you then go to the</p> <p>19 nurse's office?</p> <p>20 A. Yes.</p> <p>21 Q. And was anyone else there?</p> <p>22 A. Yes.</p> <p>23 Q. Who was there?</p> <p>24 A. Ms. McCarthy was there and I</p> <p>25 believe Mrs. Swinkin.</p>	<p style="text-align: right;">Page 84</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. So then you entered the nurse's</p> <p>4 office with the nurse; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And then the four of you were</p> <p>7 there?</p> <p>8 A. Yes.</p> <p>9 Q. And you don't recall anyone else</p> <p>10 being there?</p> <p>11 A. No, not really.</p> <p>12 Q. While you were in the nurse's</p> <p>13 office, did anyone else enter the nurse's</p> <p>14 office?</p> <p>15 A. Not that I recall, because we had</p> <p>16 the curtains drawn for privacy.</p> <p>17 Q. I assume at some point in time</p> <p>18 you left the nurse's office; is that correct?</p> <p>19 A. No. I stayed with her.</p> <p>20 Q. At some point in time you left,</p> <p>21 right?</p> <p>22 A. Eventually.</p> <p>23 Q. Eventually you left?</p> <p>24 A. Yes.</p> <p>25 Q. Before you left, did Ms. Swinkin</p>
<p style="text-align: right;">Page 83</p> <p>1 EDITH HIGGINS</p> <p>2 Q. She's the school psychologist?</p> <p>3 A. Yes.</p> <p>4 Q. Anyone else?</p> <p>5 A. You don't want me to read, right?</p> <p>6 Q. If you have to refresh your</p> <p>7 recollection, fine.</p> <p>8 A. Thank you, sir. So I believe</p> <p>9 Ms -- I just recall Ms. Swinkin.</p> <p>10 Q. And when you arrived in the</p> <p>11 nurse's office, was Ms. McCarthy seated?</p> <p>12 A. Yes.</p> <p>13 Q. And she was in close proximity to</p> <p>14 the school psychologist?</p> <p>15 MR. SMITH: Objection.</p> <p>16 Q. When you entered the nurse's</p> <p>17 office, where was the school psychologist</p> <p>18 with reference to where Ms. McCarthy was</p> <p>19 situated?</p> <p>20 A. She was -- she was right next to</p> <p>21 her.</p> <p>22 Q. Was she standing?</p> <p>23 A. No. Sitting.</p> <p>24 Q. So they were both sitting next to</p> <p>25 each other?</p>	<p style="text-align: right;">Page 85</p> <p>1 EDITH HIGGINS</p> <p>2 leave or was she there the entire time you</p> <p>3 were there?</p> <p>4 A. I believe she was.</p> <p>5 Q. What about the nurse, had the</p> <p>6 nurse ever left at any time before you left?</p> <p>7 A. No. We were basically with Ms.</p> <p>8 McCarthy.</p> <p>9 Q. So from the time you got there</p> <p>10 until the time you left, the nurse and the</p> <p>11 psychologist were there the whole time; is</p> <p>12 that correct?</p> <p>13 A. I believe so.</p> <p>14 Q. And you don't recall anyone else</p> <p>15 entering?</p> <p>16 A. No. Well, of course her -- her</p> <p>17 sister.</p> <p>18 Q. The sister eventually got there?</p> <p>19 A. Yeah. And her sister's boyfriend</p> <p>20 something like that.</p> <p>21 Q. Anybody else?</p> <p>22 A. Not that I recall.</p> <p>23 Q. So when you arrived in the</p> <p>24 nurse's office, what happened; did you say</p> <p>25 something?</p>

22 (Pages 82 - 85)

Page 86

1 EDITH HIGGINS
2 A. Yeah. Ms. McCarthy was crying,
3 she was very upset. She was sitting in the
4 wheelchair and we were --
5 Q. It was a wheelchair that she was
6 sitting in?
7 A. Yeah. I believe it was the
8 wheelchair. I was giving her like a cold
9 compress and she was talking, you know, just
10 like talking, telling me how much she loved
11 the children. I don't know -- strike that.
12 She was just talking, yeah. And we would
13 just consoling her and I was giving her cold
14 compresses.
15 Q. Did you say anything to her?
16 A. She was, Ms. McCarthy was talking
17 and I believe I was the one who told her --
18 because she was wondering why her sister was
19 taking so long. I told -- I had said, I
20 remember saying to her, oh, maybe -- I said,
21 "Well, give your sister some time, you know,
22 you woke her up -- you know, it was early,
23 you woke up. She probably has to get dressed
24 and everything.
25 She made a joke about, you know,

Page 87

1 EDITH HIGGINS
2 her sister, oh, she's my sister, she doesn't
3 have to get dressed, she sleeps in the nude.
4 She should hurry up or something. She said
5 and we laughed and then she began to talk
6 about -- she was explaining to us that she
7 was on medication and someone had said to
8 her, you know, well maybe after this you
9 could see your doctor and maybe some
10 adjustments can be made. She told us no,
11 she's on the highest dosage. If he increased
12 it anymore that she would be in a comatose
13 state.
14 So we just like, you know, "Oh,
15 Ms. McCarthy," you know. Then she was -- she
16 mentioned, "Oh, I just want to kill myself."
17 And someone said, "No, you don't mean that,"
18 you know. And then she says, "Yeah, I guess
19 not, because then my family and friends would
20 be upset." So we were just basically making
21 small talk like that until her sister came.
22 Q. Now, did Ms. Swinkin say anything
23 during that time?
24 A. Yeah. Ms. Swinkin told her it
25 wouldn't solve anything.

Page 88

1 EDITH HIGGINS
2 Q. Did she say anything else?
3 A. Not that I recall, because it was
4 all four of us. We were just making small
5 talk until her sister arrived.
6 Q. Now, have you ever seen a
7 statement that Ms. Swinkin gave of what
8 happened?
9 A. No.
10 Q. Now, in her statement Ms. Swinkin
11 says that Ms. Beno and Ms. St Luis arrived;
12 do you remember either of them arriving?
13 A. No.
14 MR. SMITH: Objection.
15 Q. So Ms. Beno is another teacher in
16 the school?
17 A. Yes.
18 Q. Do you remember her being in the
19 room?
20 A. No. I don't recall.
21 Q. Is Ms. St. Luis another teacher?
22 A. St. Louie?
23 Q. Luis, L-U-I-S? Do you know who
24 that is?
25 A. That -- it may have been the sub,

Page 89

1 EDITH HIGGINS
2 the substitute teacher.
3 Q. Did she arrive in the nurse's
4 office?
5 A. No. I don't recall that.
6 Q. Did you ever hear Ms. McCarthy
7 say that years ago she was going through a
8 similar experience and Dr. Wright, who I
9 guess was the principal at the time, used to
10 joke with her that even if she wanted to kill
11 herself, the windows in the classroom aren't
12 high enough to jump out; do you remember that
13 conversation?
14 A. Yeah. She was making -- yeah.
15 Q. And that Ms. McCarthy's statement
16 that presently there are days when she feels
17 similar and that she stated she knows this
18 would hurt her family and she would not do
19 it; do you remember a conversation like that
20 have taken place?
21 A. That was like kind of two things.
22 I know that when she stated to us, you know,
23 "I fell like killing myself," and Ms. Swinkin
24 said, you know, "that wouldn't solve
25 anything," that's when she said it would hurt

23 (Pages 86 - 89)

Page 90

1 EDITH HIGGINS
2 her family and friends. But I know when she
3 mentioned the Dr. Wright thing jokingly, she
4 was saying she told Dr. Wright all the time
5 she was going to jump out the window and Dr.
6 Wright would say, Oh, well, you don't have
7 far to jump, because you're only on the first
8 floor.
9 Q. So when you say in your statement
10 that Ms. McCarthy casually stated that she
11 wanted to kill herself, were you referring to
12 the Dr. Wright reference?
13 A. No. The Dr. Wright reference was
14 the jumping out the window.
15 Q. Now, when you say here or you
16 claim here that Ms. McCarthy casually stated
17 that she wanted to kill herself, what do you
18 contend she said which supported that
19 assertion that you wrote?
20 MR. SMITH: Objection.
21 Q. What did she say?
22 A. She said, "I feel like killing
23 myself."
24 Q. So it's your testimony that's
25 what she said?

Page 91

1 EDITH HIGGINS
2 A. Yes.
3 Q. Was Ms. Swinkin there at the
4 time, the school psychologist?
5 A. Yes.
6 Q. Did you speak to Ms. Swinkin
7 about what happened in the nurse's office at
8 that time?
9 MR. SMITH: Objection.
10 A. Yes.
11 Q. When did you speak to her?
12 A. That day.
13 Q. And did she say anything to you
14 about having heard Ms. McCarthy say that she
15 wanted to kill herself?
16 A. Yes.
17 Q. When were you asked to give this
18 statement, dated May 28, 2014; on the same
19 day?
20 A. Yes.
21 Q. Did you write it on the same day?
22 A. Excuse me?
23 Q. Did you write this document on
24 the same day or type it?
25 A. Yes.

Page 92

1 EDITH HIGGINS
2 Q. But you composed it on May 28th,
3 2014; is that correct?
4 A. Yes.
5 Q. And was anyone present with you
6 when you composed this statement?
7 A. No.
8 Q. And do you know that Ms. Swinkin
9 also gave a statement?
10 A. I know she was asked to.
11 Q. Who asked her?
12 A. I'm not sure.
13 Q. Who ask you to write the
14 statement?
15 A. My supervisor.
16 Q. Mr. Braswell?
17 A. Yes.
18 Q. Do you know if anyone had asked
19 Mr. Braswell to obtain a statement?
20 A. No.
21 Q. Did you ever speak to Ms. Swinkin
22 about the statements that you and she were
23 writing?
24 A. No.
25 Q. Do you have any explanation as to

Page 93

1 EDITH HIGGINS
2 why Ms. Swinkin in her statement omits any
3 reference to Ms. McCarthy stating that she
4 wanted to kill herself?
5 MR. SMITH: Objection. If you
6 are not going to show her the
7 statement, how can she opine on
8 what's in there.
9
10 MR. WOLIN: Sure. Well, I don't
11 have to show her the statement. She
12 said she has never seen it. I'm just
13 asking if she has any explanation?
14 MR. SMITH: So objection to the
15 extent you are representing that --
16 MR. WOLIN: Okay, I will show it
17 to her. Why don't we mark this?
18 (Whereupon, at this time, the
19 above-mentioned statement was marked
20 by the reporter as Plaintiff's
21 Exhibit 8, for identification, as of
22 this date.)
23 Q. I show you what we mark as
24 Exhibit 8; have you ever seen that document
25 before?

24 (Pages 90 - 93)

Page 94

1 EDITH HIGGINS
2 A. No.
3 Q. Now, why don't you take a look at
4 it. Do you see there's a certain reference
5 in it to you?
6 A. Excuse me?
7 Q. She refers to you at several
8 junctures in this document; do you see that?
9 MR. SMITH: Objection.
10 A. I just see --
11 Q. Do you see your name mentioned
12 several times?
13 A. I didn't reach that area yet,
14 sir.
15 Q. Take your time.
16 MR. SMITH: Let her read it.
17 (Whereupon, at this time, a brief
18 recess was taken.)
19 Q. Now, your statement, which is
20 Exhibit 7, that claims that, "Ms. McCarthy
21 casually stated she wanted to kill herself,"
22 did that occur before the reference
23 concerning Principal Wright or after the
24 reference concerning Principal Wright?
25 A. I'm not sure.

Page 95

1 EDITH HIGGINS
2 Q. How far apart was the statement
3 that she wanted to kill herself made from the
4 Principal Wright reference?
5 A. I'm not sure.
6 Q. Can you approximate?
7 A. No.
8 Q. How long did this encounter in
9 the nurse's office take?
10 A. Maybe, anywhere from a half-hour
11 to an hour or so.
12 Q. Were you there the whole time?
13 A. Yes.
14 Q. And was there conversation taking
15 place the whole time?
16 A. Small talk and comforting her and
17 so forth, waiting for her sister. Maybe like
18 thirty minutes I guess.
19 Q. Whose idea was it to call her
20 sister?
21 A. I don't know. I wasn't there.
22 Q. And what do you mean you weren't
23 there; you weren't there when the sister was
24 called?
25 A. No.

Page 96

1 EDITH HIGGINS
2 Q. Do you know who called her
3 sister?
4 A. No.
5 Q. Did the sister appear?
6 A. Yes.
7 Q. And then when the sister
8 appeared, what happened?
9 A. When her sister came, I left to
10 help her boyfriend or fiance to bring his car
11 around to the side of the building so that
12 Ms. McCarthy could go out quietly, you know,
13 versus going out the front, you know, and a
14 lot of people like seeing her and so forth,
15 because she was upset. So just out going
16 through the side would be more private.
17 So I helped her sister's
18 boyfriend to bring his car around to the side
19 door. Then the nurse and -- I believe it was
20 the nurse and her sister who brought her out
21 to the car.
22 Q. And how was she brought out to
23 the car?
24 A. I believe, I believe it was in
25 the wheelchair. I believe it was.

Page 97

1 EDITH HIGGINS
2 Q. Did you see Ms. McCarthy getting
3 into the car?
4 A. Yes.
5 Q. And describe her demeanor as she
6 was leaving the nurse's office and going into
7 the car?
8 A. Well, I didn't see her leave the
9 nurse's office. I was still with the
10 boyfriend on Washington Avenue. They came
11 out the side door with her to the car and she
12 got into the car. So she still seemed a
13 little -- she wasn't cheerful, but, you know,
14 she wasn't as upset as she was when I
15 initially came on the scene.
16 Q. So she was calmer?
17 A. She was calmer.
18 Q. Less emotional?
19 A. Less emotional, yes.
20 Q. Had you ever seen Ms. McCarthy in
21 such an emotional state previously?
22 A. No.
23 Q. Now, did you see Ms. McCarthy
24 depart in that vehicle?
25 A. Yes.

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Approximately, what time was that</p> <p>3 she departed?</p> <p>4 A. Oh, boy. It was still morning.</p> <p>5 Q. Before --</p> <p>6 A. It was before noon.</p> <p>7 Q. Before noon?</p> <p>8 A. Yes.</p> <p>9 Q. Was it before eleven or after</p> <p>10 eleven?</p> <p>11 A. It may have been -- it may have</p> <p>12 been like close to eleven. Maybe a little</p> <p>13 bit before, maybe a little bit after.</p> <p>14 Q. And then after you observed her</p> <p>15 depart, did you have any further interaction</p> <p>16 involving Ms. McCarthy that day?</p> <p>17 MR. SMITH: Objection.</p> <p>18 Q. Or involving what had happened?</p> <p>19 A. What do you mean?</p> <p>20 Q. What was the next thing that</p> <p>21 happened that day involving what had just</p> <p>22 happened that you participated in?</p> <p>23 MR. SMITH: Objection.</p> <p>24 Q. You can answer it.</p> <p>25 A. Well, I came back in the</p>	<p style="text-align: right;">Page 100</p> <p>1 EDITH HIGGINS</p> <p>2 A. No. It was later in the day.</p> <p>3 Q. Did you speak to Mr. Braswell in</p> <p>4 person or by telephone?</p> <p>5 A. In person.</p> <p>6 Q. Was anyone else present?</p> <p>7 A. No.</p> <p>8 Q. Do you know where Mr. Braswell</p> <p>9 was during the time that you were in the</p> <p>10 nurse's office?</p> <p>11 A. No.</p> <p>12 Q. After Mr. Braswell left that</p> <p>13 conference room earlier that morning, do you</p> <p>14 know where he went?</p> <p>15 A. No.</p> <p>16 Q. Do you know how long he remained</p> <p>17 in the conference room after you left with</p> <p>18 the nurse?</p> <p>19 A. No.</p> <p>20 Q. Did you at any time observe Mr.</p> <p>21 Braswell while you were interacting with Ms.</p> <p>22 McCarthy that day?</p> <p>23 A. Say that again?</p> <p>24 Q. Did you see Mr. Braswell during</p> <p>25 the period of time that you were interacting</p>
<p style="text-align: right;">Page 99</p> <p>1 EDITH HIGGINS</p> <p>2 building.</p> <p>3 Q. Right.</p> <p>4 A. And I had to review with my</p> <p>5 supervisor, Mr. Braswell, what had taken</p> <p>6 place in the back. Then I went about my</p> <p>7 regular -- I believe I went about my regular</p> <p>8 business.</p> <p>9 Q. What did you say Mr. Braswell and</p> <p>10 what did Mr. Braswell say to you about what</p> <p>11 had just happened?</p> <p>12 A. I don't recall what he said.</p> <p>13 Q. Do you remember what you said?</p> <p>14 A. I had to recall the event what</p> <p>15 took place in the back.</p> <p>16 Q. What did you say?</p> <p>17 A. I explained to him exactly what</p> <p>18 I -- exactly what the summary states. I just</p> <p>19 recalled the sequence of events of what took</p> <p>20 place in the nurse's office.</p> <p>21 Q. Do you remember Mr. Braswell</p> <p>22 saying anything to you?</p> <p>23 A. No.</p> <p>24 Q. Is that when Mr. Braswell asked</p> <p>25 you to write a statement?</p>	<p style="text-align: right;">Page 101</p> <p>1 EDITH HIGGINS</p> <p>2 Ms. McCarthy, after you left the conference</p> <p>3 room?</p> <p>4 MR. SMITH: Objection.</p> <p>5 Q. Did you see Mr. Braswell at any</p> <p>6 time while you were interacting with Ms.</p> <p>7 McCarthy, after you left the conference room?</p> <p>8 A. No.</p> <p>9 Q. Now, after you had this</p> <p>10 conversation with Mr. Braswell, what was the</p> <p>11 next thing that happened with reference to</p> <p>12 Ms. McCarthy?</p> <p>13 A. I'm not aware.</p> <p>14 Q. Now, Ms. Swinkin in her statement</p> <p>15 states that after Ms. McCarthy left she spoke</p> <p>16 to you and Mr. Braswell; do you remember</p> <p>17 that?</p> <p>18 A. I'm not recalling, but I mean --</p> <p>19 well, you know, I'm trying to recall that</p> <p>20 day, but I believe so, yes.</p> <p>21 Q. Was that the same conversation</p> <p>22 that you just testified you had with Mr.</p> <p>23 Braswell or was that a different one?</p> <p>24 A. No. I guess to recall the event,</p> <p>25 to update him of what took place in the</p>

26 (Pages 98 - 101)

<p style="text-align: right;">Page 102</p> <p>1 EDITH HIGGINS</p> <p>2 nurse's office.</p> <p>3 Q. When I asked you a moment ago if</p> <p>4 anyone else was present while you were</p> <p>5 speaking to Mr. Braswell, you said, "No," but</p> <p>6 was, in fact, Ms. Swinkin present?</p> <p>7 A. I believe I met with Mr. Braswell</p> <p>8 by myself and then Ms. Swinkin joined. I</p> <p>9 believe so.</p> <p>10 Q. But it was the same conversation?</p> <p>11 A. It was a continuation of the</p> <p>12 conversation.</p> <p>13 Q. How after Ms. McCarthy left did</p> <p>14 that conversation take place?</p> <p>15 A. I'm not sure, sir.</p> <p>16 Q. Now, Ms. Swinkin in her</p> <p>17 statement, which you have in front of you,</p> <p>18 says, "I stated a numerous times that I am</p> <p>19 not trained to work with adults in situations</p> <p>20 like this one and I am not sure how to</p> <p>21 properly handle a situation like this"; do</p> <p>22 you remember Ms. Swinkin saying that in your</p> <p>23 presence?</p> <p>24 A. I remember hearing her saying it</p> <p>25 like later in the day.</p>	<p style="text-align: right;">Page 104</p> <p>1 EDITH HIGGINS</p> <p>2 to reach her on her cell or something.</p> <p>3 Q. Approximately, what time did you</p> <p>4 try calling her?</p> <p>5 A. I'm not sure, but I know it was</p> <p>6 after she left.</p> <p>7 Q. Did you speak to her?</p> <p>8 A. No.</p> <p>9 Q. Did you speak to anybody?</p> <p>10 A. No.</p> <p>11 Q. Did you leave a message?</p> <p>12 A. No. Oh, maybe I did. Maybe.</p> <p>13 I'm not sure.</p> <p>14 Q. Would that have been on her voice</p> <p>15 mail?</p> <p>16 A. Yeah. Maybe, maybe. I'm not</p> <p>17 recalling a hundred percent.</p> <p>18 Q. But whether you tried to call or</p> <p>19 not, did you actually speak to Ms. McCarthy</p> <p>20 that day?</p> <p>21 A. No.</p> <p>22 Q. Do you know if anyone in the</p> <p>23 school tried to call Ms. McCarthy that day,</p> <p>24 anyone else besides you?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 103</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Later in the day?</p> <p>3 A. Yes.</p> <p>4 Q. It was at different conversation?</p> <p>5 A. I'm not sure.</p> <p>6 Q. But at some point that day she</p> <p>7 said that; is that correct?</p> <p>8 A. Uh-huh, yes.</p> <p>9 Q. Now, Ms. Swinkin says, "We</p> <p>10 decided that human resources department</p> <p>11 needed to be contacted"; do you remember</p> <p>12 agreeing that HR had to be contacted?</p> <p>13 A. That may have been a conversation</p> <p>14 between Swinkin and Mr. Braswell. I don't</p> <p>15 recall that.</p> <p>16 Q. Now, it says that, "Further, we</p> <p>17 decided to call Ms. McCarthy to check on</p> <p>18 her."</p> <p>19 A. Yes.</p> <p>20 Q. Were you a participant in any</p> <p>21 discussion about calling Ms. McCarthy?</p> <p>22 A. No.</p> <p>23 Q. Did you call Ms. McCarthy that</p> <p>24 day after she left?</p> <p>25 A. I believe I did. I think I tried</p>	<p style="text-align: right;">Page 105</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Who?</p> <p>3 A. Ms. Beno.</p> <p>4 Q. And is she one of the teachers?</p> <p>5 A. Yes.</p> <p>6 Q. Did she actually speak to Ms.</p> <p>7 McCarthy?</p> <p>8 A. Yes.</p> <p>9 Q. How do you know that?</p> <p>10 A. Because I asked her.</p> <p>11 Q. And what did she tell you?</p> <p>12 A. She told me that Ms. McCarthy was</p> <p>13 home -- well, she was with her sister at her</p> <p>14 sister's house and that she was fine, she was</p> <p>15 doing, you know, she was doing much better.</p> <p>16 Q. Do you remember approximately</p> <p>17 what time that conversation took place?</p> <p>18 A. That may have been like around</p> <p>19 noon-ish.</p> <p>20 Q. So sometime after Ms. McCarthy</p> <p>21 left, correct?</p> <p>22 A. Yeah.</p> <p>23 Q. But not a long time after she</p> <p>24 left?</p> <p>25 A. Right.</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 EDITH HIGGINS</p> <p>2 Q. Who is Ms. Emmanuel.</p> <p>3 A. She is a social worker.</p> <p>4 Q. Did you speak to her at all that</p> <p>5 day concerning Ms. McCarthy?</p> <p>6 A. I don't recall.</p> <p>7 Q. Did you speak to Ms. McCarthy's</p> <p>8 sister at all that day after she left?</p> <p>9 A. No.</p> <p>10 Q. Now, Ms. Swinkin says and that's</p> <p>11 at the bottom of that page 1, "Further, we</p> <p>12 decided to call Ms. McCarthy to check on her</p> <p>13 and suggest that she calls employee</p> <p>14 assistance program, EAP, to receive guidance.</p> <p>15 M.s Emmanuel (School social worker), Ms.</p> <p>16 Chester and I made the phone call. Ms.</p> <p>17 McCarthy's sister confirmed that Ms. McCarthy</p> <p>18 is now relaxed and doing well." Did you have</p> <p>19 any knowledge of that phone call on May 28,</p> <p>20 2014?</p> <p>21 A. No.</p> <p>22 Q. Other than speaking to Ms. Beno</p> <p>23 who had spoken to Ms. McCarthy, did you have</p> <p>24 any knowledge on May 28th, 2014, of anyone</p> <p>25 else speaking to Ms. McCarthy to see how she</p>	<p style="text-align: right;">Page 108</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. You said you spoke to Ms. Beno?</p> <p>4 A. Yes.</p> <p>5 Q. Did that conversation also take</p> <p>6 place before the SRO arrived?</p> <p>7 A. Yes.</p> <p>8 Q. Now, do you remember speaking to</p> <p>9 anyone else about what had happened, prior to</p> <p>10 the arrival of the SRO?</p> <p>11 A. The nurse most likely, because we</p> <p>12 were all together.</p> <p>13 Q. So you spoke to the nurse after</p> <p>14 Ms. McCarthy left?</p> <p>15 A. Yes.</p> <p>16 Q. And can you recount that</p> <p>17 conversation?</p> <p>18 A. Not really.</p> <p>19 Q. Now, sitting here today, you</p> <p>20 testified that Ms. Beno attempted to call Ms.</p> <p>21 McCarthy and, in fact, apparently spoke to</p> <p>22 her according to your testimony, that you</p> <p>23 unsuccessfully attempted to call her and then</p> <p>24 there's a reference in Ms. Swinkin's statement</p> <p>25 about Ms. Emmanuel, Ms. Chester and her</p>
<p style="text-align: right;">Page 107</p> <p>1 EDITH HIGGINS</p> <p>2 was doing?</p> <p>3 A. No.</p> <p>4 Q. Now, what other interactions did</p> <p>5 you have on May 28th, 2014, concerning Ms.</p> <p>6 McCarthy?</p> <p>7 MR. SMITH: Objection. Go</p> <p>8 ahead.</p> <p>9 A. What other interactions?</p> <p>10 Q. Right.</p> <p>11 A. Well, the SROs, they came.</p> <p>12 Q. So at some point an SRO came?</p> <p>13 A. Yes.</p> <p>14 Q. Prior to the SRO coming, other</p> <p>15 than what you testified thus far, did you</p> <p>16 speak to anyone else that day about Ms.</p> <p>17 McCarthy?</p> <p>18 A. No.</p> <p>19 Q. You indicated that you spoke to</p> <p>20 Mr. Braswell?</p> <p>21 A. Yes.</p> <p>22 Q. And you spoke to Ms. Swinkin?</p> <p>23 A. Right.</p> <p>24 Q. Did those conversations take</p> <p>25 place before the SRO arrived?</p>	<p style="text-align: right;">Page 109</p> <p>1 EDITH HIGGINS</p> <p>2 making a phone call and speaking to Ms.</p> <p>3 McCarthy's sister; other than those</p> <p>4 reference, do you have any other knowledge</p> <p>5 concerning any other attempted contact that</p> <p>6 anyone in the school attempted to make with</p> <p>7 Ms. McCarthy on May 28th?</p> <p>8 A. No.</p> <p>9 Q. Do you know if Mr. Braswell tried</p> <p>10 to call Ms. McCarthy?</p> <p>11 A. I'm not aware.</p> <p>12 Q. You indicated that the next thing</p> <p>13 that happened, as far as you know, is that</p> <p>14 the SRO arrived at the school?</p> <p>15 A. Well, you were referring to the</p> <p>16 next incident or the next big thing that</p> <p>17 happened?</p> <p>18 Q. The next thing that happened</p> <p>19 concerning Ms. McCarthy?</p> <p>20 A. Yeah. Well --</p> <p>21 Q. As far as you know.</p> <p>22 A. The next thing? Well, even</p> <p>23 before -- before the SROs arrived, my</p> <p>24 supervisor had directed me to just inform the</p> <p>25 SROs, who are assigned to the school, of what</p>

28 (Pages 106 - 109)

Page 110

1 EDITH HIGGINS
2 had taken place. So I placed that phone call
3 to let them know and then shortly after they
4 came to the school.
5 Q. What time of day did Mr. Braswell
6 instruct you to call the SRO?
7 A. That was afternoon, you know,
8 after twelve.
9 Q. Had you already spoken to Ms.
10 Beno by then?
11 A. Yes.
12 Q. Had you already spoken to Ms.
13 Swinkin by then?
14 A. Yes.
15 Q. By what method of communication
16 did Mr. Braswell tell you or direct you to
17 call the SRO?
18 MR. SMITH: Objection.
19 Q. By what mode of communication?
20 A. Verbal.
21 Q. Was that in a conversation, other
22 than the ones you have already described?
23 A. Yes.
24 Q. And do you remember with any
25 degree of specificity approximately what time

Page 111

1 EDITH HIGGINS
2 in the afternoon did he make this direction
3 to you?
4 A. It was after twelve. I don't
5 have a specific time.
6 Q. Now, you were to leave that day
7 at what time?
8 A. Oh, that day, I don't know what
9 time I left, because I don't have like hours
10 that I leave.
11 Q. Was school still in session?
12 A. Yes.
13 Q. What time did school end?
14 A. School ends at 2:15 for children.
15 Staff leaves at 2:30.
16 Q. So is it fair to say that it was
17 sometime between 12:00 and 2:15 to 2:30?
18 A. Yes.
19 MR. SCOTT: What was that
20 question in reference to?
21 MR. SMITH: In reference to the
22 conversation she had with Braswell.
23 I asked her when she had spoken to
24 Braswell and she said sometime in the
25 afternoon. I was trying to pin it

Page 112

1 EDITH HIGGINS
2 down to before school end.
3 MR. SCOTT: I thought you asked
4 what time she left.
5 MR. WOLIN: No, no. It was what
6 time she had the conversation with
7 Braswell.
8 MR. SCOTT: I don't know if the
9 witness understood that.
10 Q. So Mr. Braswell made the
11 direction to you to call the SRO sometime
12 between 12:00 and approximately 2:15 to 2:30;
13 is that correct?
14 A. Yes.
15 Q. What did he tell you?
16 A. To call the SRO, just to inform
17 them of what had taken place.
18 Q. Did he tell you why he wanted you
19 to do that?
20 A. No.
21 Q. Did you ask him why?
22 A. No.
23 Q. Did you in your own mind believe
24 it was necessary that the SRO be called?
25 MR. SMITH: Objection.

Page 113

1 EDITH HIGGINS
2 A. He's my supervisor.
3 Q. But did you have any opinion
4 yourself as to whether or not the SRO should
5 be called?
6 A. No.
7 Q. And what is an SRO?
8 A. School safety officer -- school
9 resource officer.
10 Q. Who are they?
11 A. Police officers assigned to our
12 district.
13 Q. So an SRO is a regular Nassau
14 County Police Officer; is that correct.
15 A. Yes.
16 MR. SMITH: Objection.
17 Q. Is an SRO an Nassau County Police
18 Officer?
19 A. Yes.
20 Q. And who did you call?
21 A. We called the number that the
22 school has for them, because it's
23 community -- well, it's like a -- they are
24 Nassau County Police Officers, but they are
25 assigned to your school district so we can

Page 114

1 EDITH HIGGINS
2 have a line of communication and so forth, so
3 they have a number that we call.
4 I had received it, the number,
5 and I called and I spoke with them to talk to
6 them about what had took place, just to
7 inform them.
8 Q. Do you know whose telephone
9 number you called?
10 A. No. I don't recall. Well, it's
11 the number for the SROs.
12 Q. Right. Is it the number of the
13 police, the number of the police officer's
14 command precinct or something else?
15 MR. SMITH: Objection.
16 A. It wasn't a precinct.
17 Q. Did the SRO or actually answer
18 the phone?
19 MR. SMITH: Objection.
20 A. I can't recall.
21 Q. Who answered the phone when you
22 called?
23 A. Someone answered the phone and
24 then I did speak with an SRO. I don't recall
25 if the SRO answered or a secretary answered.

Page 115

1 EDITH HIGGINS
2 I don't recall that.
3 Q. But you don't know the location
4 that you were calling; is that correct?
5 A. It was the number for the SROs,
6 to reach them.
7 Q. Do you know if it was an office
8 that you were calling?
9 A. No.
10 Q. Had ever called that number
11 before?
12 A. No.
13 Q. So tell me what you said when
14 someone answered on the other side?
15 A. I identified myself and I asked
16 to speak with an officer.
17 Q. Did you say why you were calling?
18 A. No.
19 Q. And you asked to speak to an
20 officer?
21 A. Yeah. The SRO, one of the SROs.
22 Q. Did an officer get on the line?
23 A. Yes.
24 Q. Do you know the name of the
25 officer?

Page 116

1 EDITH HIGGINS
2 A. No.
3 Q. And what did you say?
4 A. I told them I was calling from
5 Washington Rose and directed by my principal
6 just to inform them of an incident that had
7 taken place.
8 Q. Well, did you describe the
9 incident?
10 A. Yes.
11 Q. What did you say?
12 A. Basically what's written in my
13 summary.
14 Q. Had you written your summary by
15 then?
16 A. Well, the summary is a reflection
17 of my recall.
18 Q. Had you written that summary by
19 the time you called the SRO?
20 A. No.
21 Q. So I want to know everything that
22 you said to the SRO?
23 A. Well, I don't remember
24 everything.
25 Q. Well, do the best you can.

Page 117

1 EDITH HIGGINS
2 A. The recall, I just recall the
3 sequence of events very similar to what is
4 written here.
5 Q. But you are summarizing? I have
6 to know what you said.
7 A. I gave him a summary of what took
8 place.
9 Q. What did you say took place?
10 MR. SMITH: Objection.
11 A. That was what, 2014?
12 Q. Right.
13 A. Basically, what I said here. If
14 you would like me to read this, I can --
15 Q. I don't want you to read it, but
16 I would like you to testify as best you can
17 recollect what you said to the SRO?
18 A. I told them what had taken place
19 in terms of one our teachers was very upset.
20 MR. SCOTT: She's allowed to
21 refresh her recollection, by the way.
22 Q. Of course you can look at the
23 document.
24 A. That was two years ago. I don't
25 want to say something that I didn't say

<p style="text-align: right;">Page 118</p> <p>1 EDITH HIGGINS</p> <p>2 either. I can't recall verbatim what you</p> <p>3 said two years ago, a conversation. This was</p> <p>4 a -- this was a very unfortunate situation.</p> <p>5 So I don't remember verbatim everything I</p> <p>6 said. If I testified to saying something</p> <p>7 that I didn't say, now I own it, you know</p> <p>8 what I'm saying?</p> <p>9 Q. Well, you can certainly testify</p> <p>10 generally to what you said, even if you don't</p> <p>11 remember verbatim?</p> <p>12 A. Okay. Well, I let the officer</p> <p>13 know that one of our teachers was very upset,</p> <p>14 we had a meeting, so forth, so on. During</p> <p>15 our -- during, you know, time in the nurse's</p> <p>16 office, I let him know the conversation,</p> <p>17 what, you know what had been said.</p> <p>18 When I mentioned the fact -- when</p> <p>19 I mention that she had said casually, "Oh, I</p> <p>20 feel like killing myself," the officer became</p> <p>21 very upset and was yelling over the phone and</p> <p>22 he hung the phone up and then shortly after</p> <p>23 they were there.</p> <p>24 Q. What made you say that he was</p> <p>25 upset?</p>	<p style="text-align: right;">Page 120</p> <p>1 EDITH HIGGINS</p> <p>2 A. No.</p> <p>3 Q. So you say he hung up the phone?</p> <p>4 A. Yes.</p> <p>5 Q. You said you don't remember who</p> <p>6 he was, but did he identify himself?</p> <p>7 MR. SMITH: Objection.</p> <p>8 A. I don't recall him identifying</p> <p>9 himself.</p> <p>10 Q. And then what was the next thing</p> <p>11 that happened?</p> <p>12 A. After?</p> <p>13 Q. After he hung up the phone?</p> <p>14 A. Oh, then shortly after the two</p> <p>15 officers appeared at the school.</p> <p>16 Q. Had you ever seen either of those</p> <p>17 officers before?</p> <p>18 A. I believe one -- yes, the female</p> <p>19 officer.</p> <p>20 Q. Do you know her name?</p> <p>21 A. Officer Amodeo.</p> <p>22 Q. Did you know what her name was</p> <p>23 then?</p> <p>24 A. No, because I was new to the job.</p> <p>25 Q. Do you know the name of the male</p>
<p style="text-align: right;">Page 119</p> <p>1 EDITH HIGGINS</p> <p>2 A. Because he was yelling.</p> <p>3 Q. What did he say?</p> <p>4 A. I don't remember what he was</p> <p>5 saying, but it was in a very loud voice. I</p> <p>6 don't recall anything he said.</p> <p>7 Q. Can you give the substance of</p> <p>8 what he was saying?</p> <p>9 A. No.</p> <p>10 Q. So what is the basis of your</p> <p>11 perception that he was upset?</p> <p>12 MR. SMITH: Objection.</p> <p>13 A. He was yelling and he hung up the</p> <p>14 phone on me.</p> <p>15 Q. Anything else?</p> <p>16 A. No.</p> <p>17 Q. This was between noon and 2:15?</p> <p>18 A. Yes.</p> <p>19 Q. Was it closer to 2:15 or closer</p> <p>20 to noon?</p> <p>21 MR. SMITH: Objection.</p> <p>22 A. I'm not sure.</p> <p>23 Q. Other than this Exhibit 7, your</p> <p>24 statement here, do you have any other written</p> <p>25 memorialization of what happened that day?</p>	<p style="text-align: right;">Page 121</p> <p>1 EDITH HIGGINS</p> <p>2 officer?</p> <p>3 A. No.</p> <p>4 Q. How did you know the female</p> <p>5 officer was named Amodeo?</p> <p>6 A. I know it today, because this is</p> <p>7 my third year in this position. So I've had</p> <p>8 many encounters with her.</p> <p>9 Q. Approximately, what time did the</p> <p>10 two police officers arrive?</p> <p>11 A. I'm not sure. It was before</p> <p>12 2:15.</p> <p>13 Q. Were they in uniform?</p> <p>14 A. Yes.</p> <p>15 Q. Were they in the uniform of a</p> <p>16 Nassau County Police Officer?</p> <p>17 A. Yes.</p> <p>18 Q. Now, how did you know the police</p> <p>19 officers had arrived at the school?</p> <p>20 A. Because I saw them come in the</p> <p>21 door.</p> <p>22 Q. Were you standing by the door?</p> <p>23 A. No. It's all glass. The front</p> <p>24 of our building is all glass.</p> <p>25 Q. So from your office you were able</p>

Page 122

1 EDITH HIGGINS
2 to see the front entrance?
3 A. From where I was standing I could
4 see the front entrance.
5 Q. Where were you standing?
6 A. In the main office area.
7 Q. And then you walked over to the
8 officers?
9 A. No.
10 Q. The officers walked over to you?
11 A. They went into Mr. Braswell's
12 office.
13 Q. And then what happened?
14 A. They spoke with Mr. Braswell. I
15 was called in. The officer was yelling about
16 the --
17 Q. Let me stop you. So they spoke
18 to Mr. Braswell. How do you know they spoke
19 PO Mr. Braswell?
20 A. Because I saw them go in his
21 office.
22 Q. Did you hear any of the
23 conversation?
24 A. I don't believe initially.
25 Q. How about subsequently, at any

Page 123

1 EDITH HIGGINS
2 point in time did you hear the conversation?
3 A. No.
4 Q. So they arrived, they went into
5 Mr. Braswell's office and they started
6 talking with Mr. Braswell?
7 A. Right. And then I was called in.
8 Q. Then at some point you were
9 called in and joined the conversation,
10 correct?
11 A. I was called in to the office.
12 Q. Approximately how long had they
13 been speaking to Mr. Braswell before you were
14 called in?
15 A. Maybe five minutes.
16 Q. Who called you in?
17 A. Mr. Braswell, I believe.
18 Q. How did he call you in?
19 A. He called my name. I mean, you
20 know, I wasn't too far way.
21 Q. He was in his office, so where
22 were you at the time he called you?
23 A. Nearby. I was in the main -- his
24 office is located in the main office. So I'm
25 in the main office area, so I was called into

Page 124

1 EDITH HIGGINS
2 his office.
3 Q. Was anyone else present?
4 A. When I went inside?
5 Q. Yes.
6 A. No. It was Mr. Braswell, myself
7 and the two officers.
8 Q. Was Ms. Swinkin there.
9 A. I think she was called in later.
10 Q. And then once you were called in,
11 what happened then?
12 A. The officers were -- they were
13 talking, but I just recall that the male
14 officer was very upset and angry and yelling
15 about, "Why was she allowed to go home?" You
16 know, he just, you know, harped on that and
17 talked -- began to talk about how dangerous
18 that was.
19 I attempted to tell him that, you
20 know, in my opinion I didn't feel she, you
21 know, that it was anything threatening,
22 because, you know, I know Ms. McCarthy.
23 She's a lovely lady. She does a lot of like
24 joking. You know she's always so jovial and
25 whatnot. So I didn't take what she said as

Page 125

1 EDITH HIGGINS
2 dangerous or a threat or anything.
3 Q. Did you tell that to the
4 officers?
5 A. I attempted to, but they were --
6 the gentleman, he was yelling. And so I had
7 to almost like raise my voice and I said,
8 Well, you know, she's home with her sister
9 and she's okay." You know, I was able to get
10 that in. And he said how do you know she's
11 okay, whatever. I said because I spoke to
12 her friend. Whose her friend? I said Ms.
13 Beno.
14 And then he asked Mr. Braswell to
15 speak to Ms. Beno. And Mr. Braswell asked me
16 to go and get her. I went over to her
17 classroom and I held her class, I held her
18 students while she went inside and she spoke
19 to the officers.
20 Q. And did you hear ms been talking
21 to the officer?
22 A. I was inside her classroom
23 holding her students.
24 Q. Do you know what Ms. Beno told
25 the officer?

<p style="text-align: right;">Page 126</p> <p>1 EDITH HIGGINS</p> <p>2 A. No.</p> <p>3 Q. Did you speak to Ms. Beno about</p> <p>4 what she told the officer?</p> <p>5 A. Yes.</p> <p>6 Q. What did she say?</p> <p>7 A. She told me that she did tell the</p> <p>8 officers that Ms. McCarthy was okay and that</p> <p>9 she was at her sister's house. She told me</p> <p>10 they asked for her sister's address, the name</p> <p>11 and address and she gave it to them.</p> <p>12 Q. Did she say anything else?</p> <p>13 A. That's basically all. Then, you</p> <p>14 know, basically saying that she was okay.</p> <p>15 Q. Was it that day that you spoke to</p> <p>16 Mr. Beno?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know if the police</p> <p>19 officers spoke to anybody else?</p> <p>20 A. They spoke to Ms. Swinkin.</p> <p>21 Q. And did they speak to Ms. Swinkin</p> <p>22 in your presence?</p> <p>23 A. Oh, that part, I think I could</p> <p>24 see from afar or I don't think I was right up</p> <p>25 on them. But I do remember she was very,</p>	<p style="text-align: right;">Page 128</p> <p>1 EDITH HIGGINS</p> <p>2 A. Paraphrasing, like in that vein,</p> <p>3 yes.</p> <p>4 Q. What did you say to paraphrase?</p> <p>5 A. Oh, boy, I know I said something</p> <p>6 like around, you know, Ms. McCarthy -- yes,</p> <p>7 she said that, but it didn't -- she didn't</p> <p>8 seem to be threatening or dangerous or</p> <p>9 anything like that. I was trying to explain</p> <p>10 that to them.</p> <p>11 Q. But you were able to say that?</p> <p>12 MR. SMITH: Objection.</p> <p>13 A. Barely, barely, because he was so</p> <p>14 angry.</p> <p>15 Q. But you said barely; did you say</p> <p>16 it or didn't you say it.</p> <p>17 A. I was saying it. I was saying</p> <p>18 it, but he was interrupting. So I was saying</p> <p>19 it, but I don't know if he was hearing it.</p> <p>20 You know, if it was even being processed,</p> <p>21 because he was insistent upon what he wanted</p> <p>22 to say or what he, you know, what he come to</p> <p>23 do, but I definitely said it.</p> <p>24 Q. So I am going back to that. When</p> <p>25 the police officers spoke to Ms. Swinkin, you</p>
<p style="text-align: right;">Page 127</p> <p>1 EDITH HIGGINS</p> <p>2 very upset, because they were yelling at her</p> <p>3 also. No, you know what, I don't -- I saw it</p> <p>4 from afar, but I wasn't like actually in the</p> <p>5 mix.</p> <p>6 Q. Did you hear what Ms. Swinkin and</p> <p>7 the police officers were saying?</p> <p>8 A. No?</p> <p>9 Q. Getting back to what you just</p> <p>10 said, you said that you were trying to tell</p> <p>11 the police officers that you believed that</p> <p>12 Ms. McCarthy, to paraphrase what you said,</p> <p>13 was not dangerous that she jokes around?</p> <p>14 A. No. I didn't tell them she jokes</p> <p>15 around. I just said that, you know, it</p> <p>16 didn't -- you know, when she said that it</p> <p>17 didn't seem like a threat or -- and then he</p> <p>18 yelled about that.</p> <p>19 Q. Did you actually tell the police</p> <p>20 officer that you didn't believe that it was a</p> <p>21 threat?</p> <p>22 A. Yes.</p> <p>23 Q. Did you actually tell the police</p> <p>24 officer that you didn't believe that Ms.</p> <p>25 McCarthy was a danger to herself?</p>	<p style="text-align: right;">Page 129</p> <p>1 EDITH HIGGINS</p> <p>2 didn't hear that conversation, right?</p> <p>3 A. No.</p> <p>4 Q. Now, when you spoke to the police</p> <p>5 officers as you just described, was Mr.</p> <p>6 Braswell there?</p> <p>7 A. Yes.</p> <p>8 Q. Was anyone else there?</p> <p>9 A. No.</p> <p>10 Q. What was the next thing that</p> <p>11 happened concerning Ms. McCarthy?</p> <p>12 A. After that the police officers</p> <p>13 left and then that was that.</p> <p>14 Q. As far as you know, that was</p> <p>15 that?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you know where the police</p> <p>18 officers went after they left?</p> <p>19 A. No.</p> <p>20 Q. Did they say where they were</p> <p>21 going?</p> <p>22 A. No. Not in my hearing, no.</p> <p>23 Q. Now, did they say that they were</p> <p>24 going to Ms. McCarthy's sister's house?</p> <p>25 A. I didn't hear anything like that.</p>

33 (Pages 126 - 129)

Page 130

1 EDITH HIGGINS
2 Q. Now, in Ms. Swinkin's statement
3 that you have before you, she says that the
4 male police officer said and that's on the
5 second page, "He then told me that I should
6 be aware of the consequence of my actions and
7 that he's going to report me to the state";
8 do you see that?
9 A. Yes.
10 Q. Do you have any knowledge of Ms.
11 Swinkin ever being reported to the state as a
12 result of what happened that day?
13 A. No.
14 Q. And you weren't present for that
15 conversation, correct?
16 A. No.
17 Q. Now, at some point in time did
18 you learn that the police officer or police
19 officers went to the sister's house?
20 A. Say that again.
21 Q. At some point in time did you
22 learn that the police officers went to Ms.
23 McCarthy's sister's house?
24 A. Yes.
25 Q. And when did you learn that?

Page 131

1 EDITH HIGGINS
2 A. Maybe days after, something.
3 Q. How did you learn it?
4 A. I don't recall.
5 Q. Now, did you learn at that time
6 that Ms. McCarthy had been transported to
7 Nassau University Medical Center?
8 A. I don't recall.
9 Q. Now, at what time during the day
10 as all this was transpiring did you write
11 this statement, Exhibit 7?
12 A. At the end of the day.
13 Q. After the police officers had
14 left?
15 A. Yeah.
16 Q. And how did it come about that
17 you wrote that statement?
18 MR. SMITH: Objection.
19 A. Directed by my supervisor, Mr.
20 Braswell.
21 Q. And he directed you to do it
22 after the police had left?
23 A. I believe so, yeah. I believe it
24 was after.
25 Q. When you were having the

Page 132

1 EDITH HIGGINS
2 conversation with Ms. McCarthy in the nurse's
3 office, did you her words to the effect,
4 "Would you ever hurt yourself?"
5 A. No.
6 Q. Now, you have knowledge that the
7 at some point after this incident Ms.
8 McCarthy was referred by the district for a
9 913 examination?
10 A. No.
11 Q. Did you have any anything to do
12 with that decision making process?
13 A. No.
14 Q. After Ms. McCarthy left that day
15 in that vehicle as you described, when was
16 the next time that you had any interaction
17 with Ms. McCarthy?
18 A. The following school year.
19 Q. Now, just getting back for a
20 couple of more questions to your statement,
21 Exhibit 7. Now, you say that, "Ms. McCarthy
22 casually stated she wanted kill herself,"
23 that's your quote?
24 A. Uh-huh, yes.
25 Q. What exactly to the best of your

Page 133

1 EDITH HIGGINS
2 recollection did Ms. McCarthy say that
3 resulted in you making that assertion?
4 A. Because during the time we were
5 consoling her she just sighed, she said,
6 "Huh, I just fell like killing myself."
7 Q. Did she state words to the
8 effect, "I might as well just kill myself,"
9 do you remember her saying that?
10 A. Might as well?
11 Q. Yes.
12 A. I just recall, "I just feel like
13 killing myself."
14 Q. You don't remember her saying, "I
15 might as well just kill myself"?
16 A. Might as well feel like -- I
17 don't know. I just definitely recall killing
18 myself, yeah.
19 Q. Right, but do you remember what
20 preceded that in her language?
21 A. No.
22 Q. So as you are sitting here today,
23 do you remember her making the statement, "I
24 might as well just kill myself," do you
25 remember it being phrased that way?

Page 134

1 EDITH HIGGINS
2 MR. SMITH: Objection.
3 MR. SCOTT: Objection.
4 A. "I just feel like killing
5 myself," that's what I recall.
6 Q. That's what you recall?
7 A. Yes.
8 MR. SMITH: Objection.
9 Q. So you recall her saying, "I
10 might as well just kill myself --"
11 MR. SMITH: Objection.
12 MR. SCOTT: Objection.
13 MR. SMITH: She has testified
14 she doesn't recall specifically.
15 Q. Well, do you recall specifically?
16 A. No.
17 Q. I'm not sure.
18 MR. SCOTT: She has answered
19 specifically.
20 Q. Did you ever advise either Ms.
21 McCarthy or her sister that an SRO was coming
22 to her house?
23 A. No.
24 Q. Did any of the police officers
25 contact you or attempt to contact you from

Page 135

1 EDITH HIGGINS
2 the sister's house?
3 A. No.
4 MR. SMITH: Objection.
5 A. No.
6 Q. Do you know if either of the
7 police officers, once they arrived at the
8 sister's house, attempted to contact anybody
9 in the school?
10 A. No.
11 Q. Who is an individual working in
12 the school named Mr. Hamilton or working for
13 the district, did you ever hear that name?
14 A. Yes.
15 Q. Who is Mr. Hamilton?
16 A. He's a central office staff
17 member.
18 Q. Do you know what is job title is?
19 A. He -- in 2014 I don't recall his
20 job title. No, I think in 2014 he was human
21 resources, I believe. His title had -- it
22 changed.
23 Q. Did you ever speak to
24 Mr. Hamilton about the McCarthy situation?
25 A. Yes.

Page 136

1 EDITH HIGGINS
2 Q. When?
3 A. I don't recall.
4 Q. How long --
5 A. He was serving in HR. I don't
6 recall whether it was the spring or the fall
7 of 2014. I don't recall.
8 Q. For what purpose did you speak to
9 him?
10 A. To ask, I guess, for a recount of
11 what took place.
12 Q. What do you mean by a recount of
13 what took place?
14 A. A summary of what took place.
15 Q. To ask him?
16 A. He asked me.
17 Q. He asked you?
18 A. Yes, what happened.
19 Q. And then did you respond?
20 A. Yes.
21 Q. What did you say?
22 A. I just gave him a summation of
23 what took place.
24 Q. Do you know why he wanted to know
25 what had taken place?

Page 137

1 EDITH HIGGINS
2 A. Well, at that time he was over at
3 human resources.
4 Q. Do you know for what reason he
5 contacted you?
6 MR. SMITH: Objection.
7 A. He's human resources.
8 Q. Did he you why he wanted a
9 recount of what had happened?
10 A. No.
11 Q. Other than calling the SRO on
12 this occasion, had you ever before or since
13 called the SRO with reference to any other
14 teacher in the school?
15 A. No.
16 MR. WOLIN: I have no further
17 questions.
18 MR. SCOTT: Good afternoon.
19 THE WITNESS: Good afternoon.
20 MR. SCOTT: My name is James
21 Scott, I'm attorney and I represent
22 Nassau County. I'm not going to
23 through all these questions again,
24 just a few follow-up questions. The
25 same rules apply. If you don't

35 (Pages 134 - 137)

<p>Page 138</p> <p>1 EDITH HIGGINS</p> <p>2 understand my question, please ask me</p> <p>3 to rephrase it. I will give you all</p> <p>4 the time you need to answer the</p> <p>5 question, okay?</p> <p>6 THE WITNESS: Yes.</p> <p>7 EXAMINATION BY</p> <p>8 MR. SCOTT:</p> <p>9 Q. Looking at Plaintiff's Exhibit 7,</p> <p>10 which is your statement, your summary, you</p> <p>11 wrote that on May 28th, 2014?</p> <p>12 A. Yes.</p> <p>13 Q. At the end of the day?</p> <p>14 A. Yes.</p> <p>15 Q. After all the events of the day?</p> <p>16 A. I believe so, yeah.</p> <p>17 Q. When you wrote this all the</p> <p>18 events that happened that day were fresh in</p> <p>19 your mind?</p> <p>20 A. Yeah.</p> <p>21 Q. And you knew it was important to</p> <p>22 be as accurate as possible?</p> <p>23 A. Yeah.</p> <p>24 Q. And that statement as accurate as</p> <p>25 you remember it?</p>	<p>Page 140</p> <p>1 EDITH HIGGINS</p> <p>2 come to your school?</p> <p>3 A. Yes.</p> <p>4 Q. What kind of problems or issues</p> <p>5 do they deal with?</p> <p>6 A. Well, after that we had, you</p> <p>7 know, there are issues like with child abuse?</p> <p>8 Q. In other words, some child</p> <p>9 reported to you that he or she has been</p> <p>10 abused at home or by someone outside the</p> <p>11 home?</p> <p>12 A. Right.</p> <p>13 Q. And you mentioned the female has</p> <p>14 responded on occasion?</p> <p>15 A. Oh, yes.</p> <p>16 Q. What was her name?</p> <p>17 A. Amodeo.</p> <p>18 Q. How many times has she responded</p> <p>19 your to school?</p> <p>20 A. Many times. Like ninety percent</p> <p>21 of the time.</p> <p>22 Q. How many times a year?</p> <p>23 A. A year? Oh, gosh. We have over</p> <p>24 700 students in my building, so she -- she</p> <p>25 normally is accompanied by, you know, another</p>
<p>Page 139</p> <p>1 EDITH HIGGINS</p> <p>2 A. Yes.</p> <p>3 Q. What are the SRO officers; what</p> <p>4 are they, what do they do?</p> <p>5 A. They service the school district</p> <p>6 and they are, as opposed to calling 91 and</p> <p>7 just getting anybody, we have officers that</p> <p>8 are assigned here to our district and we have</p> <p>9 built a rapport with them and so forth.</p> <p>10 Q. Are they assigned specifically to</p> <p>11 the Roosevelt School District?</p> <p>12 A. Yes.</p> <p>13 Q. They are not assigned</p> <p>14 specifically to your school?</p> <p>15 A. Right.</p> <p>16 Q. They only deal with Roosevelt</p> <p>17 School District problems, is that your</p> <p>18 understanding?</p> <p>19 A. As far as schools are concerned,</p> <p>20 I think they do take up -- they do address</p> <p>21 the issues in the community, but as far as a</p> <p>22 school district is concerned, I think we're</p> <p>23 the only school district, I believe.</p> <p>24 Q. And since that time of May 28th,</p> <p>25 2014, have you had occasion to call them to</p>	<p>Page 141</p> <p>1 EDITH HIGGINS</p> <p>2 officer. I'm sorry, I just have to give a</p> <p>3 percentage, because, you know --</p> <p>4 Q. In a given week, how many times</p> <p>5 do you think they respond?</p> <p>6 A. In a given week? Not even in a</p> <p>7 given week. Like in a month, maybe twice,</p> <p>8 twice a month, maybe twice.</p> <p>9 Q. For what kind of issues did she</p> <p>10 respond to your school, besides the abuse?</p> <p>11 A. Bullying.</p> <p>12 Q. Within the school?</p> <p>13 A. Like a bullying situation that it</p> <p>14 was initiated in the community and then</p> <p>15 spilled over into the school.</p> <p>16 Q. So she responded to your school a</p> <p>17 number of times and you have gotten to know</p> <p>18 her?</p> <p>19 A. Yes.</p> <p>20 Q. Do you call her by her name?</p> <p>21 A. Officer Amodeo.</p> <p>22 Q. But you know who she is?</p> <p>23 A. Yes.</p> <p>24 Q. How do you find her in performing</p> <p>25 her duties when she responded?</p>

36 (Pages 138 - 141)

<p style="text-align: right;">Page 142</p> <p>1 EDITH HIGGINS</p> <p>2 MR. WOLIN: Objection.</p> <p>3 MR. SMITH: Objection.</p> <p>4 A. How does she perform her duties?</p> <p>5 Q. Yes.</p> <p>6 A. Professionally.</p> <p>7 Q. Any problems with her since then?</p> <p>8 A. No.</p> <p>9 Q. Do you recall on May 28th, 2014,</p> <p>10 when you called the SRO number, did you speak</p> <p>11 to a man or a woman about the incident?</p> <p>12 A. A man.</p> <p>13 Q. And eventually Ms. Amodeo and the</p> <p>14 man responded?</p> <p>15 A. Yes.</p> <p>16 Q. And in your telephone</p> <p>17 conversation with the man, you told the man</p> <p>18 that the teacher wanted to kill herself?</p> <p>19 MR. SMITH: Objection.</p> <p>20 A. I recalled the events, the</p> <p>21 sequence of events of what took place and I</p> <p>22 did mention that that was one of the things</p> <p>23 that she did say.</p> <p>24 Q. But you did tell the police that</p> <p>25 this teacher threatened to kill herself.</p>	<p style="text-align: right;">Page 144</p> <p>1 EDITH HIGGINS</p> <p>2 responded?</p> <p>3 A. Oh, he was yelling. He was doing</p> <p>4 a lot of yelling, because, you know, we let</p> <p>5 her go home.</p> <p>6 Q. He was concerned that a woman who</p> <p>7 had just threatened, who was feeling like</p> <p>8 killing herself, had been let go?</p> <p>9 MR. SMITH: Objection.</p> <p>10 MR. WOLIN: Objection.</p> <p>11 Q. Is that what you're saying?</p> <p>12 A. Basically, he was very angry.</p> <p>13 Q. During your education, did you</p> <p>14 receive any training in psychological</p> <p>15 assessment or evaluating an individual's</p> <p>16 mental health status?</p> <p>17 MR. SMITH: Objection.</p> <p>18 A. No.</p> <p>19 MR. WOLIN: Same objection.</p> <p>20 Q. While you have been a teacher at</p> <p>21 the school, have you received any training</p> <p>22 from the school district or the school about</p> <p>23 accessing an individual's mental health</p> <p>24 status?</p> <p>25 MR. WOLIN: Objection.</p>
<p style="text-align: right;">Page 143</p> <p>1 EDITH HIGGINS</p> <p>2 A. Not threatened.</p> <p>3 Q. That she wanted to kill herself?</p> <p>4 A. Not that she wanted. That she</p> <p>5 said, you know, in consoling her, she did say</p> <p>6 that, I feel like killing myself."</p> <p>7 Q. And during that conversation over</p> <p>8 the phone, did you also tell the police that</p> <p>9 Ms. McCarthy was taking medication?</p> <p>10 A. That she was taking medication?</p> <p>11 I don't recall.</p> <p>12 Q. That's something important</p> <p>13 though, right?</p> <p>14 MR. WOLIN: Objection.</p> <p>15 MR. SCOTT: You can answer.</p> <p>16 MR. WOLIN: Objection. What's</p> <p>17 important?</p> <p>18 A. I'm not sure if I shared that at</p> <p>19 all during the telephone conversation.</p> <p>20 Q. Do you recall if you shared that</p> <p>21 during the time you met with him in person?</p> <p>22 A. No. He barely let me talk.</p> <p>23 Q. What was he saying?</p> <p>24 A. When?</p> <p>25 Q. The male police officer, when he</p>	<p style="text-align: right;">Page 145</p> <p>1 EDITH HIGGINS</p> <p>2 A. No.</p> <p>3 Q. When you were with the principal</p> <p>4 Mr. Braswell and the officers in the Mr.</p> <p>5 Braswell's office, you were having a</p> <p>6 conversation, correct?</p> <p>7 A. Say that again.</p> <p>8 Q. After the police officers</p> <p>9 responded, you met with the officers and Mr.</p> <p>10 Braswell in Mr. Braswell's office?</p> <p>11 A. Yes.</p> <p>12 Q. And during that conversation, did</p> <p>13 you repeat to them about the teacher's</p> <p>14 feeling like killing herself?</p> <p>15 A. No.</p> <p>16 MR. WOLIN: Objection?</p> <p>17 A. I don't believe so.</p> <p>18 Q. Did Mr. Braswell know that she</p> <p>19 had said that?</p> <p>20 A. Yes.</p> <p>21 Q. And did Mr. Braswell talk to the</p> <p>22 police about that?</p> <p>23 A. I wasn't there for his</p> <p>24 conversation.</p> <p>25 Q. When you were there?</p>

37 (Pages 142 - 145)

Page 146

1 EDITH HIGGINS
2 A. No. They were already aware of
3 the statement that she made and that was, you
4 know.
5 Q. Did Ms. McCarthy complain about
6 any kind of headache at the time you are in
7 the nurse's office?
8 A. Not to my knowledge. I didn't
9 hear anything like that.
10 Q. Did you learn she subsequently
11 complained about having a migraine headache
12 while she was in the nurse's office?
13 A. Yeah. I heard that she had made
14 that statement.
15 Q. Who told you that?
16 A. I believe it was the nurse.
17 Q. When did the nurse tell you that?
18 A. I can't recall.
19 Q. Have you ever known Ms. McCarthy
20 to have migraine headaches before May 28th,
21 2014?
22 A. No.
23 Q. Do you know if the nurse gave Ms.
24 McCarthy any kind of medication for the
25 headache?

Page 147

1 EDITH HIGGINS
2 A. No.
3 Q. Did the nurse take Ms. McCarthy's
4 blood pressure?
5 A. I wasn't present for anything
6 like that.
7 Q. Were you aware that she had done
8 that?
9 A. No.
10 Q. One more question. I'm almost
11 done.
12 During the time that you spoke to
13 the principal about the incident without the
14 police present, did you tell the principal
15 that Ms. McCarthy was taking medication for
16 depression?
17 A. I mentioned to him what she
18 stated, but she didn't -- what I heard her
19 say, she just said that she was on
20 medication. She just said she was on
21 medication. You know, she had told us, "You
22 know I'm on medication," and then someone
23 said well, you know, after everything maybe
24 you will see a doctor and he'll adjust it.
25 Then she says, "Oh, no. He said that -- she

Page 148

1 EDITH HIGGINS
2 said that, "If he makes it any higher I will
3 be comatose."
4 So, you know, I don't recall her
5 specifying what the medication was actually
6 for.
7 Q. At the end of the day you wrote
8 out your summary, right?
9 A. Yes.
10 Q. You did use the word that she was
11 on medication for the depression, right?
12 A. Okay, maybe --
13 Q. Does that refresh your
14 recollection as to what she said?
15 A. Yes.
16 Q. So Ms. McCarthy did say that she
17 was on medication for depression?
18 A. Medication for depression, yeah.
19 Q. And if it got any stronger she'd
20 be comatose?
21 A. Be comatose, yeah if he increased
22 it, the dosage, she would be comatose.
23 Q. Does that refresh your
24 recollection as to whether or not you told
25 that to Mr. Braswell?

Page 149

1 EDITH HIGGINS
2 A. Yeah.
3 Q. You did tell him that?
4 A. Yes.
5 Q. And does that refresh your
6 recollection as to whether or not you told
7 the police about her taking medication for
8 the depression?
9 A. Possibly over the phone.
10 MR. SCOTT: Thank you. Nothing
11 further.
12 MR. WOLIN: I just have a couple
13 of more follow-ups.
14 EXAMINATION BY
15 MR. WOLIN:
16 Q. You indicated that these SROs had
17 come to the school on several occasions. To
18 your knowledge, have they ever come to the
19 school with reference to the conduct of a
20 teacher before or since?
21 A. Not to my knowledge.
22 MR. SMITH: Objection.
23 Q. You indicated that you have
24 interacted with these two police officers
25 subsequently to May 28th, 2014; is that

Page 150

1 EDITH HIGGINS
2 correct?
3 A. Not the two. Only Ms. Amodeo.
4 MR. SMITH: Objection.
5 Q. Only the female?
6 A. Yeah.
7 Q. Have spoken to the female about
8 the McCarthy incident subsequent to May 28th,
9 2014?
10 A. No.
11 MR. WOLIN: I have nothing
12 further.
13 MR. SMITH: I have a couple of
14 questions, Ms. Higgins.
15 EXAMINATION BY
16 MR. SMITH:
17 Q. I want to go back first. Mr.
18 Wolin asked you earlier this morning about
19 observations and we looked at some of those
20 observation reports. You don't need to look
21 at them. When you conducted observations of
22 Ms. McCarthy, was there anything in the way
23 you conducted those observations that was
24 different from the way you conducted
25 observations of other teachers?

Page 151

1 EDITH HIGGINS
2 MR. WOLIN: Objection.
3 A. No.
4 Q. You were asked questions earlier
5 about the frequency and the scheduling of
6 these observations. Were Ms. McCarthy's
7 observations scheduled or arranged in way
8 that was any different from the way the
9 observations took place for other teachers?
10 MR. WOLIN: Objection?
11 A. No.
12 Q. And when you contacted the SROs,
13 why did you contact the SROs that day?
14 A. My supervisor Mr. Braswell
15 directed me to do that.
16 Q. And did he indicate to you who
17 had instructed him to tell you to do that?
18 A. I don't recall.
19 Q. And what was your intent in
20 calling the SROs that day?
21 MR. WOLIN: Objection.
22 A. Just to inform them of what had
23 taken place.
24 Q. In the observation reports that
25 were shown to you earlier, when you completed

Page 152

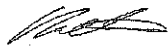
1 EDITH HIGGINS
2 those evaluations or when you put any of the
3 feedback that are in those reports, did Ms.
4 McCarthy's age or race play any role in your
5 decision as to what to put into her
6 observation reports?
7 MR. WOLIN: Objection.
8 A. No.
9 Q. And on the day you contacted the
10 SROs, did Ms. McCarthy's age or race play any
11 role in your decision to contact the SROs?
12 A. No.
13 MR. SCOTT: Objection.
14 MR. SMITH: I have nothing
15 further.
16 (Whereupon, at 12:54 p.m.
17 these proceedings were
18 concluded.)
19
20
21 EDITH HIGGINS
22 Subscribed and sworn to
23 before me on this _____ day
24 of _____, 2016.
25
NOTARY PUBLIC

Page 153

1
2 INDEX
3 WITNESS EXAMINATION BY PAGE LINE
4 EDITH HIGGINS MR. WOLIN 6 12
MR. SCOTT 138 9
5 MR. WOLIN 149 16
MR. SMITH 150 17
6
7 INDEX TO PLAINTIFF'S EXHIBITS
8 EXHIBIT DESCRIPTION PAGE LINE
9 2 Observation report 56 14
10 3 Observation report 60 18
11 4 Observation report 66 7
12 5 Observation report 67 2
13 6 Observation report 68 21
14 7 Letter 73 15
15 8 Statement 93 23
16
17
18
19
20
21
22
23
24
25

Page 154

1
2 CERTIFICATION
3
4 I, RAYMOND P. STALKER, a notary public in and
5 for the State of New York, do hereby certify:
6 THAT the witness whose testimony is hereby
7 before set forth, was duly sworn by me; and
8 that the within transcript is a true record of the
9 testimony given by said witness. I further certify
10 that I am not related, either by blood or marriage,
11 to any of the parties to this action; and
12 THAT I am in no way interested in the outcome
13 of this matter.
14 IN witness whereof, I have hereunto set my
15 hand this 20th day of May, 2016.

16
17 

18 RAYMOND P. STALKER
19
20
21
22
23
24
25

Page 155

1
2 ERRATA SHEET
3 VERITEXT/NEW YORK REPORTING, LLC
4 1-800-727-6376
5 330 Old Country Road, 1250 Broadway
6 Mineola New York New York, New York
7 Name of Case: McCARTHY v ROOSEVELT ET AL
8 Date of Deposition: 5/12/16
9 Name of DEPONENT: EDITH HIGGINS
10 PAGE LINE CHANGE REASON
11 -----
12 -----
13 -----
14 -----
15 -----
16 -----
17 -----
18 -----
19 -----
20
21 EDITH HIGGINS
22 SUBSCRIBED AND SWORN TO BEFORE
23 ME THIS ____ DAY OF _____, 2016.

24 _____
25 NOTARY PUBLIC COMMISSION EXPIRES

40 (Pages 154 - 155)

[& - administrator]

Page 1

&	2003 10:25 11:2,3,6	2:15 111:14,17	700 140:24
& 3:3,7	2004 11:17	112:12 119:17,19	73 153:14
1	2012 11:18 31:19	121:12	7:15 72:21
1 32:25 38:24 45:4	32:5	2:30 111:15,17	7:30 72:21
59:14,19 60:2,9	2012-2013 32:6	112:12	8
61:7,12,18,19,20,25	43:19	3	8 56:23 93:21,24
62:2,3,14,23 63:9	2013 10:25 11:9	3 33:2 60:12,16,19	153:15
106:11	13:25 22:16,17,23	61:18,24 62:11,17	8th 39:23 40:6,14
1-10 1:9	24:12,18 28:14	63:13,14,21 64:8	41:13,16 60:3
1-800-727-6376	29:19 31:18 60:7	65:8 153:10	9
155:3	2013-2014 25:5,16	30 45:6	9 153:4
10601 3:10	25:19,24 26:19 28:4	31st 66:15	91 139:6
10:07 1:20	29:2 30:9,16 31:5	330 155:4	913 132:9
11-20 1:15	31:14 32:8 33:17	4	93 153:15
11501 3:16	34:3,9,15 36:18	4 64:14 66:5,7	9:10 75:11 82:5
11575 6:18	38:15 39:19 53:14	153:11	a
11753 3:4	54:22 55:5 58:18,20	4/22/14 40:9	a.m 82:5
12 1:20 153:4	62:19 65:22 71:24	40 45:6 47:15	a.m. 1:20 75:11
1250 155:4	2014 39:24 40:6	41 64:4	able 52:6 121:25
12:00 111:17 112:12	56:23 61:5 66:15	42 64:8	125:9 128:11
12:54 152:16	67:10 69:4 70:9,10	420 3:4	abuse 140:7 141:10
13-14 62:25	72:10,14 91:18 92:3	445 3:9	abused 140:10
138 153:4	106:20,24 107:5	5	accessible 27:23
13th 70:10,17 71:14	117:11 135:19,20	5 66:20,24 67:2 69:5	accessing 144:23
71:19	136:7 138:11	153:12	accommodating
14 64:8,12,15 65:9	139:25 142:9	5/12/16 155:6	42:11
153:9	146:21 149:25	56 153:9	accompanied
149 153:5	150:9	6	140:25
15 153:14	2016 1:20 152:23	6 33:3 68:19,22	accompany 82:10
150 153:5	154:15 155:23	153:4,13	accurate 138:22,24
16 153:5	20th 154:15	60 153:10	action 154:11
17 153:5	21 64:12 153:13	65 47:6	actions 130:6
18 153:10	22nd 40:17	66 153:11	actual 40:16 78:3
19 70:8,17	23 153:15	67 51:7 153:12	additional 61:14
1971 18:24	24 64:9,15 65:9	68 153:13	62:8
19th 67:10 71:15,18	240 1:18	6th 61:5	address 6:16 126:10
1e 61:10	25th 69:4	7	126:11 139:20
2	26 47:15	7 73:13,15 75:10	addressed 56:18,21
2 6:17 32:25 33:2	26th 69:6	94:20 119:23	adequate 29:23 30:4
45:4 47:5 56:12,15	28 91:18 106:19	131:11 132:21	adjust 147:24
63:11 64:3 66:17	28th 72:10,14 92:2	138:9 153:11,14	adjustments 87:10
153:9,12	106:24 107:5 109:7		administrator 37:18
	138:11 139:24		49:9 77:5
	142:9 146:20		
	149:25 150:8		

[administrators - belief]

Page 2

administrators 15:4 18:18 69:11 71:4 adopt 28:16 adopted 31:6 adults 102:19 advance 42:15 58:2 58:4,5,7,10 67:18 advise 134:20 afar 126:24 127:4 afternoon 110:7 111:2,25 137:18,19 age 24:19,22,25 152:4,10 ago 57:3 89:7 102:3 117:24 118:3 agree 55:18 agreed 4:5,9,12 agreeing 103:12 ahead 70:25 74:22 107:8 al 155:6 alan 3:5 5:7 70:23 allegations 25:4 alleging 17:25 allowed 117:20 124:15 amodeo 1:12 3:15 120:21 121:5 140:17 141:21 142:13 150:3 amount 25:20 41:6 69:17 angela 13:13 angry 124:14 128:14 144:12 answer 6:7 14:16 25:10,11 63:4 98:24 114:17 138:4 143:15 answered 114:21,23 114:25,25 115:14 134:18 answers 5:21 anybody 85:21 104:9 126:19 135:8	139:7 anymore 87:12 apart 42:13 95:2 apparently 108:21 appear 7:19 96:5 appeared 96:8 120:15 appearing 7:9,13 application 27:15 applied 11:24 12:4 apply 14:18,22 26:10,24 27:17 137:25 appointment 37:18 appropriate 26:2 approved 26:10 approximate 81:2 95:6 approximately 8:10 11:11,18 22:20 71:15 75:6,11 81:24 98:2 104:3 105:16 110:25 112:12 121:9 123:12 april 39:23 40:6,14 40:17 41:13,16 56:23 60:3 61:11,19 62:4 area 47:3 49:10,11 82:13 94:13 122:6 123:25 areas 31:12,13 arranged 151:7 arrival 108:10 arrive 72:21 89:3 121:10 arrived 83:10 85:23 88:5,11 107:25 108:6 109:14,23 121:19 123:4 135:7 arriving 76:17 88:12 aside 29:11,12,13 asked 69:8 71:2 74:14,15 75:22 82:7	82:12,16 91:17 92:10,11,18 99:24 102:3 105:10 111:23 112:3 115:15,19 125:14 125:15 126:10 136:16,17 150:18 151:4 asking 5:10 56:23 93:13 assertion 90:19 133:3 assessment 50:18 144:15 assigned 12:17 34:5 34:10,14 79:10 109:25 113:11,25 139:8,10,13 assignment 12:23 assignments 32:13 assist 9:22 assistance 106:14 assistant 8:12,13,18 8:22,25 9:25 10:2,6 10:7,11,16 11:7 12:5 13:22,24 14:6 14:14 15:10 19:5,8 19:24 20:2,7,21 21:8,17 22:7,8,13 22:21 38:4 43:14,16 44:6 57:15 associates 3:7 assume 52:13,15 70:18 84:17 assumption 48:16 attempt 5:15 134:25 attempted 108:20 108:23 109:5,6 124:19 125:5 135:8 attend 26:10 attending 77:5 attention 22:16 46:18,19 48:22,24 62:11 72:10	attorney 5:8 6:22,24 137:21 attorney's 3:13 attorneys 3:3,7,13 august 13:25,25 availability 67:21 avenue 3:9 6:17 97:10 aware 43:12 72:4,24 73:3 74:11,15,20 101:13 109:11 130:6 146:2 147:7 b b 59:8 61:15 62:7 back 11:18 12:3 26:19 82:13,13,17 98:25 99:6,15 127:9 128:24 132:19 150:17 backup 74:9 bad 49:6 80:12 barely 128:13,13,15 143:22 base 27:15 based 20:4 45:11 48:15 51:13,16,19 52:4,9,12,25 77:16 basically 9:13 78:23 85:7 87:20 116:12 117:13 126:13,14 144:12 basis 47:20,24 119:10 bathe 47:5 becoming 10:11,16 20:7 21:16 began 77:9,14 78:8 78:15 87:5 124:17 beginning 41:11 behavioral 36:10,12 36:15 behest 82:2 belief 70:7
--	---	---	---

[believe - coattail]

Page 3

believe 11:3 14:2,10 20:11 24:24 27:10 27:18,25 28:14 29:19,19 33:23 50:2 69:4 72:15 78:13 82:25 83:8 85:4,13 86:7,17 96:19,24,24 96:25 99:7 101:20 102:7,9 103:25 112:23 120:18 122:24 123:17 127:20,24 131:23 131:23 135:21 138:16 139:23 145:17 146:16 believed 18:6,15 127:11 beno 88:11,15 105:3 106:22 108:3,20 110:10 125:13,15 125:24 126:3,16 best 5:15 78:2 116:25 117:16 132:25 better 51:14 105:15 big 109:16 bilingual 23:14,19 23:20,20,24 24:5,7 bit 98:13,13 black 18:21 block 65:16 blood 147:4 154:10 born 18:23 bottom 50:13 52:8 53:4 64:14 106:11 box 51:12 boy 13:13 98:4 128:5 boyfriend 85:19 96:10,18 97:10 braswell 1:7 3:8 7:12,24 9:16,17,21 13:15,17 14:3 19:15 33:24 38:19,22 40:19 53:19 54:6,8	55:13 57:18 58:14 68:24 69:21 70:9 71:6,13,19 76:5,20 76:23 77:4,10 78:4 80:16 92:16,19 99:5 99:9,10,21,24 100:3 100:8,12,21,24 101:5,10,16,23 102:5,7 103:14 107:20 109:9 110:5 110:16 111:22,24 112:7,10 122:14,18 122:19 123:6,13,17 124:6 125:14,15 129:6 131:20 145:4 145:10,18,21 148:25 151:14 braswell's 79:2 122:11 123:5 145:5 145:10 break 37:12 53:21 brief 37:14 94:17 bring 96:10,18 broadway 155:4 brought 96:20,22 building 9:8 54:9 67:22 69:11 71:4 96:11 99:2 121:24 140:24 built 139:9 bullying 141:11,13 business 6:15 99:8 byas 12:8,15 c c 3:2 47:4,10,13 49:19,24 50:14 59:8 61:15 62:7 call 31:23 75:19 95:19 103:17,23 104:18,23 106:12 106:16,19 108:20 108:23 109:2,10 110:2,6,17 112:11 112:16 113:20	114:3 123:18 139:25 141:20 called 29:10 41:22 44:17 46:7 74:23 75:4,7,14 95:24 96:2 112:24 113:5 113:21 114:5,9,22 115:10 116:19 122:15 123:7,9,11 123:14,16,19,22,25 124:9,10 137:13 142:10 calling 103:21 104:4 115:4,8,17 116:4 137:11 139:6 151:20 calls 106:13 calmer 97:16,17 candidates 15:2 capacity 1:7,8,9,12 1:13,14 16:8 car 96:10,18,21,23 97:3,7,11,12 case 5:12 7:21,25 15:19,21,22 16:19 17:25 19:2 42:10 155:6 casually 90:10,16 94:21 118:19 132:22 catalog 26:7 categories 46:2 49:25 50:3 51:3 61:14 62:9 category 46:7,13 47:4 cell 9:5 104:2 center 131:7 central 135:16 certain 48:21 94:4 certainly 118:9 certification 4:7 154:2 certified 35:25	certify 154:5,9 challenged 36:25 37:8 change 155:8 changed 135:22 chart 41:3 54:10 57:23 58:12,12,17 67:20 check 103:17 106:12 cheerful 97:13 chester 75:18 106:16 108:25 child 79:3 140:7,8 children 24:2,6 36:3 86:11 111:14 circumstances 5:12 14:13 67:24 68:4,8 civil 2:8 claim 29:22 90:16 claimed 18:3,12 claims 94:20 class 23:21 24:13 35:2 125:17 classes 23:14 classification 35:12 classified 34:22 35:4 36:6,9,12 classroom 9:12,13 9:14 10:18,20,22 11:4,11,19,22,24 12:3,14,22 13:10 21:5 24:8 25:8 28:21 31:20 32:12 32:18,20 33:10,19 33:20,21 34:11,15 46:7 58:9 79:9,11 89:11 125:17,22 classrooms 24:2,11 34:8 close 83:13 98:12 closed 81:5,6 closer 119:19,19 clyde 1:7 3:8 coattail 49:2
--	---	--	--

[cold - date]

Page 4

<p>cold 86:8,13</p> <p>collaborate 28:23 41:8</p> <p>collaborating 53:19</p> <p>colleagues 80:4,11</p> <p>collegial 21:15</p> <p>comatose 87:12 148:3,20,21,22</p> <p>come 27:4 33:9 37:24 75:22,23 76:2 80:21 81:12,15 82:13,17 121:20 128:22 131:16 140:2 149:17,18</p> <p>comforting 95:16</p> <p>coming 107:14 134:21</p> <p>command 114:14</p> <p>commission 155:24</p> <p>common 28:6,8,17 29:6,17,24 30:5,10 30:25 31:2</p> <p>communicate 55:14</p> <p>communication 110:15,19 114:2</p> <p>community 113:23 139:21 141:14</p> <p>compete 15:9</p> <p>competed 15:13</p> <p>complain 25:14 30:3 33:19 35:10 36:19 36:23 37:6 146:5</p> <p>complained 33:24 55:8 146:11</p> <p>complaining 25:19 55:11</p> <p>complaint 25:4</p> <p>complaints 26:17</p> <p>completed 40:8,9,16 151:25</p> <p>completing 51:22 52:25 59:8</p> <p>components 29:14</p> <p>composed 28:9 92:2 92:6</p>	<p>compress 86:9</p> <p>compresses 86:14</p> <p>computer 27:15</p> <p>concerned 65:2 139:19,22 144:6</p> <p>concerning 5:11 27:21 42:5 55:14 57:9 67:12 72:2 80:8 94:23,24 106:5 107:5 109:5,19 129:11</p> <p>concluded 152:18</p> <p>conclusion 77:17</p> <p>conduct 38:5 58:21 61:3 67:22 69:9 149:19</p> <p>conducted 40:6 60:25 69:22 71:6 150:21,23,24</p> <p>conducting 71:7</p> <p>conference 37:20 38:2 41:22 42:7,12 42:19 75:5,7,15,20 75:24 76:3,8,11,14 80:21 81:18,22,25 82:10,16 100:13,17 101:2,7</p> <p>confined 32:21</p> <p>confirm 51:4</p> <p>confirmed 106:17</p> <p>confused 53:9</p> <p>consequence 130:6</p> <p>consider 17:21 18:20</p> <p>considered 13:5 19:9,13 23:13 34:15 35:5 36:9 53:5</p> <p>console 82:17</p> <p>consoling 86:13 133:5 143:5</p> <p>constitutes 34:19</p> <p>contact 109:5 134:25,25 135:8 151:13 152:11</p>	<p>contacted 103:11,12 137:5 151:12 152:9</p> <p>contained 24:6 36:2</p> <p>contend 90:18</p> <p>continuation 102:11</p> <p>continue 19:20,23 20:19,23 79:22</p> <p>continued 24:15</p> <p>contractual 32:21 32:23</p> <p>conversation 77:8 78:3,7 81:11 89:13 89:19 95:14 101:10 101:21 102:10,12 102:14 103:4,13 105:17 108:5,17 110:21 111:22 112:6 118:3,16 122:23 123:2,9 129:2 130:15 132:2 142:17 143:7,19 145:6,12,24</p> <p>conversations 107:24</p> <p>converse 58:14</p> <p>convicted 17:13</p> <p>core 28:6,8,17 29:7 29:17,24 30:5,10,25 31:2</p> <p>correct 9:18 10:8 12:11 21:23 22:18 22:21 31:5,15 32:2 32:10 33:12,15 35:18 43:3 44:2 45:9 46:4,14 47:16 47:21 48:3 49:14 50:5,9,15,23 51:3 52:20 54:19 55:7,9 60:9 61:7 62:15 64:18 67:18 69:13 73:24 74:12 77:24 84:4,18 85:12 92:3 103:7 105:21 112:13 113:14 115:4 123:10</p>	<p>130:15 145:6 150:2</p> <p>counsel 4:6</p> <p>country 155:4</p> <p>county 1:11,11,14 3:13,14,14 113:14 113:17,24 121:16 137:22</p> <p>couple 25:4 132:20 149:12 150:13</p> <p>course 33:10 85:16 117:22</p> <p>court 1:2 4:15 5:22</p> <p>cover 14:24</p> <p>coworkers 22:6</p> <p>crime 17:14</p> <p>criteria 43:2,6 47:2</p> <p>criticism 17:21</p> <p>cry 77:14</p> <p>crying 77:18,20 79:14 86:2</p> <p>current 8:11 20:24</p> <p>currently 8:4 30:22 30:24</p> <p>curriculum 11:13 11:16,20,25 12:7 28:7,8,9,15,15,17,20 28:24 29:7,14,17,24 30:10 76:18,20</p> <p>curtains 84:16</p>
d			
<p>d 5:2 31:23 50:17 59:8 61:15,16 62:7 153:2</p> <p>danger 127:25</p> <p>dangerous 124:17 125:2 127:13 128:8</p> <p>darkened 63:23 65:16</p> <p>date 39:21,23,25 40:4,8,9,11 56:13 60:17 66:6,13,25 67:8 68:20 72:13 73:14 93:22 155:6</p>			

[dated - edith]

Page 5

<p>dated 61:25 62:3 91:18 dates 69:18 70:3,4 day 24:3,4,9,9 27:4 27:6 58:9,10 71:8,9 72:12,16,19,24 74:10 81:24 91:12 91:19,21,24 98:16 98:21 100:2,22 101:20 102:25 103:2,6,24 104:20 104:23 106:5,8 107:16 110:5 111:6 111:8 119:25 126:15 130:12 131:9,12 132:14 138:13,15,18 148:7 151:13,20 152:9,22 154:15 155:23 days 29:10,11 69:22 70:18 71:6,9,15 89:16 131:2 deal 139:16 140:5 death 16:6,14 deborah 1:6 3:8 decided 103:10,17 106:12 decision 132:12 152:5,11 defendant 5:2 15:19 15:22 defendants 1:17 2:6 2:7 3:7,13 definite 52:14 definitely 128:23 133:17 definition 34:18 degree 110:25 delivery 47:10,14,19 49:21 demeanor 97:5 denied 27:2 denton 1:18 depart 97:24 98:15</p>	<p>departed 98:3 department 1:11 3:14 28:10 103:10 deponent 155:7 deposition 2:5 4:8 4:13 6:20 7:6,9,13 16:21 17:3,6 155:6 depression 147:16 148:11,17,18 149:8 describe 14:12 77:2 97:5 116:8 described 110:22 129:5 132:15 description 153:8 design 54:5 determined 32:18 40:22,25 41:15 57:21 65:10,13 determining 53:20 develop 41:3 54:10 developed 41:10 developing 32:2 43:2 46:13,16,17 48:12,20 49:5,8,10 51:3,18,21 52:11,18 52:19 54:18,23 55:4 development 26:2,5 26:6,18,21 27:9,22 28:3 29:9 dialogue 76:23 77:2 diem 23:9 differ 30:16 59:4 difference 23:18,23 31:4 different 29:14 30:25 101:23 103:4 150:24 151:8 difficulty 78:13,16 78:19,25 direct 22:15 62:10 72:9 110:16 directed 109:24 116:5 131:19,21 151:15</p>	<p>direction 111:2 112:11 directly 9:15 disagreement 55:21 disagreements 22:2 disciplined 17:18 discriminated 18:4 18:7 discuss 7:17,20 28:23 37:19 38:3 77:9 discussed 5:20 discussing 77:6 discussion 80:7 103:21 district 1:2,2,6,9 3:8 8:7,9 10:13 12:11 12:19 17:11,17 18:2 18:8,11,17 22:12 26:22 27:3,7,24 29:5 31:6 34:19 36:13 38:9 48:16 113:12,25 132:8 135:13 139:5,8,11 139:17,22,23 144:22 districts 28:16 doctor 87:9 147:24 document 38:24 39:16 56:15 60:19 61:6 63:10 66:8 67:3 68:22 70:2 73:16,18 75:3 91:23 93:24 94:8 117:23 doe 1:9,10,15,15 doing 37:25 105:15 105:15 106:18 107:2 144:3 door 75:25 81:5,5,6 81:7 96:19 97:11 121:21,22 dosage 87:11 148:22 dr 13:11 89:8 90:3,4 90:5,12,13</p>	<p>drawn 77:16 84:16 dressed 86:23 87:3 dual 23:22,22,24,25 duly 5:3 154:7 duties 8:24 141:25 142:4</p> <tr> <td colspan="4" style="text-align: center;">e</td></tr> <tr> <td colspan="4"> <p>e 3:2,2,5 5:2 31:23 153:2 eap 106:14 earlier 57:24 58:11 69:16 100:13 150:18 151:4,25 earliest 71:25 early 86:22 eastern 1:2 ed 35:14,17,20,21,23 36:5,7,14 edith 1:8,23 2:5 3:9 5:1 6:1,14 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1,14 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1</p> </td></tr>	e				<p>e 3:2,2,5 5:2 31:23 153:2 eap 106:14 earlier 57:24 58:11 69:16 100:13 150:18 151:4,25 earliest 71:25 early 86:22 eastern 1:2 ed 35:14,17,20,21,23 36:5,7,14 edith 1:8,23 2:5 3:9 5:1 6:1,14 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1,14 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1</p>			
e											
<p>e 3:2,2,5 5:2 31:23 153:2 eap 106:14 earlier 57:24 58:11 69:16 100:13 150:18 151:4,25 earliest 71:25 early 86:22 eastern 1:2 ed 35:14,17,20,21,23 36:5,7,14 edith 1:8,23 2:5 3:9 5:1 6:1,14 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1,14 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1</p>											

[edith - first]

Page 6

103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1,20 153:4 155:7,20 education 28:10 34:23 35:15,16,25 36:2 144:13 effect 4:14 132:3 133:8 effective 31:25,25 42:25,25 45:14,16 46:22 47:2,20,25 48:2,11,11,15,18 49:13 50:7 51:17,18 51:25 52:2,11,11,16 52:20 53:6,7 effectives 46:3 effort 49:3 efforts 29:5 eight 33:2,4,14 34:5 34:10 51:2 54:18,20 54:22 55:4 either 88:12 118:2 120:16 134:20 135:6 154:10 ela 28:15 elaborate 21:12 29:4 element 46:19,21 49:15	elementary 8:15 12:8,10,15 elements 47:22 48:21 49:5 eleven 98:9,10,12 emmanuel 106:2,15 108:25 emotional 77:10 97:18,19,21 employed 8:5,8 10:12,24 22:12 employee 12:18 17:25 18:10,16 106:13 employees 1:9,14 encounter 95:8 encounters 121:8 ends 111:14 english 24:3,9 enter 84:13 entered 83:16 84:3 entering 85:15 entire 8:21 9:21 26:12 37:24 85:2 entitle 61:24 entitled 50:18 61:7,9 61:20 62:3,14 entrance 122:2,4 enumerating 27:8 equating 35:17 errata 155:2 esq 3:5,11,17 established 54:17 estate 16:12,16 et 155:6 eval 48:9 evaluate 31:11 evaluated 49:9 evaluating 144:15 evaluation 43:10 evaluations 30:8 152:2 event 99:14 101:24 events 99:19 117:3 138:15,18 142:20	142:21 eventually 84:22,23 85:18 142:13 everyone's 41:4 evidencing 55:21 exactly 99:17,18 132:25 examination 6:10 132:9 138:7 149:14 150:15 153:3 examined 5:4 excessive 36:20 excuse 40:3 91:22 94:6 exhibit 38:24 47:10 56:12,15 59:14 60:8 60:12,16,19 61:12 61:18,19,24 62:2,11 62:17 63:13,14,21 66:5,7,20,24 67:2 68:19,22 69:5 73:12 73:15 75:10 93:21 93:24 94:20 119:23 131:11 132:21 138:9 153:8 exhibits 153:7 expectations 28:12 experience 30:21 52:4,25 89:8 expires 155:24 explain 49:7 128:9 explained 14:8 57:23 58:11 99:17 explaining 87:6 explanation 69:2,6 69:21 92:25 93:13 expression 80:20 expressions 6:2,3 extent 93:15 f f 62:8 fact 20:5 22:5 34:4 35:10 38:13 39:16 50:3 53:19 61:6,17	61:23 62:18 102:6 108:21 118:18 facts 5:11 fair 11:10 16:9 30:7 53:18 111:16 fall 11:3,17 31:18,19 136:6 family 87:19 89:18 90:2 far 27:20 42:13 58:4 64:25 90:7 95:2 107:15 109:13,21 123:20 129:14 139:19,21 father 16:6,9,15 father's 16:11,16 february 61:5,11,25 71:25 72:7 federal 2:7 feedback 37:23 152:3 feel 90:22 118:20 124:20 133:12,16 134:4 143:6 feeling 80:12 144:7 145:14 feels 89:16 fell 89:23 133:6 female 78:14 120:18 121:4 140:13 150:5 150:7 fiance 96:10 fictitious 1:10,15 field 1:13 3:15 fifteen 57:6 58:8 file 17:21 find 141:24 fine 82:9 83:7 105:14 first 5:3 13:11 20:18 20:20,23 21:3 22:17 22:24 23:10 24:13 26:12,15 29:16 34:8 36:25 53:15,25 54:21 55:3 60:4,6
---	--	---	---

[first - higgins]

Page 7

62:18,24 76:6,21 78:14 80:11 90:7 150:17 five 54:16 57:14 71:8,9,9 81:3 123:15 floor 90:8 follow 50:19 137:24 149:13 following 13:25 132:18 follows 5:5 force 4:14 forget 13:13 forgot 23:20 form 4:10 24:21 30:16 formal 37:16,17 38:5,10,12,14 41:20 42:6 54:14,15 59:6 59:9,12,14,16,20 61:13 62:7,8,9 format 63:9 formulate 41:8 45:9 45:12 forth 37:23 58:15 95:17 96:14 114:2 118:14 139:9 154:7 forty 24:25 37:24 45:16,22,24 46:4,11 48:2 49:14,20,22,22 50:8,15,23 four 23:12 59:9 64:11 84:6 88:4 free 1:6,9 3:8 8:6,9 12:18 17:17 18:2,8 18:11,17 frequency 151:5 fresh 138:18 friend 125:12,12 friends 87:19 90:2 front 96:13 102:17 121:23 122:2,4 full 6:12	functions 21:23 furnish 55:20 further 4:9,12 98:15 103:16 106:11 137:16 149:11 150:12 152:15 154:9 g g 5:2,2 gen 35:14,20 general 35:15,21,23 36:5,7,14 generally 26:4 118:10 gentleman 125:6 gently 81:8 gerald 3:11 getting 97:2 127:9 132:19 139:7 give 37:23 46:19 48:7,10,22,23 52:10 58:5 86:21 91:17 119:7 138:3 141:2 given 16:21 17:3 26:7 27:23 29:23 30:4 36:19,24 37:2 37:6,9 44:14,18 48:14 67:25 68:5 141:4,6,7 154:9 gives 51:15 giving 46:18 55:3 86:8,13 glass 121:23,24 go 26:8,11,24 27:6 27:17 28:25 41:6 44:24 45:2 48:8 52:7 57:6 70:24 71:2 74:21 77:7 82:13,18 96:12 107:7 122:20 124:15 125:16 144:5,8 150:17 goes 9:12,13 41:5 61:15 62:8	going 5:9 7:9,18 41:2 46:18 49:11 54:11 58:15 67:21 77:7 78:24 89:7 90:5 93:6 96:13,15 97:6 128:24 129:21 129:24 130:7 137:22 good 5:6,22 137:18 137:19 gosh 9:4 140:23 gotten 141:17 grade 12:24 13:3,6 20:12,13,14,16,16 20:18,20,24 21:3 22:17,24 23:11 24:13 26:13,15 28:12,22 32:13 34:8 37:2 53:15,23,25 54:7,21 55:3 76:6 76:21 78:15 80:11 grades 20:16 28:11 53:21 ground 5:18 grow 49:12 guess 31:22 63:10 87:18 89:9 95:18 101:24 136:10 guidance 106:14 h h 5:2,2 31:23 half 13:14,20 71:23 95:10 halfway 14:10,10 hamilton 3:9 135:12 135:15,24 hand 40:7 75:21 154:15 handle 102:21 happened 80:9,14 80:17 85:24 88:8 91:7 96:8 98:18,21 98:22 99:11 101:11 108:9 109:13,17,18	119:25 120:11 122:13 124:11 129:11 130:12 136:18 137:9 138:18 hard 51:20 harped 124:16 he'll 147:24 head 5:24 headache 146:6,11 146:25 headaches 146:20 heading 50:4 health 144:16,23 healthy 21:14 hear 89:6 122:22 123:2 125:20 127:6 129:2,25 135:13 146:9 heard 91:14 146:13 147:18 hearing 102:24 128:19 129:22 hedi 31:24 held 2:8 125:17,17 help 82:17 96:10 helped 96:17 hereto 4:6 hereunto 154:14 higgins 1:8,23 2:5 3:9 5:1,7 6:1,14 7:1 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1 37:1 38:1 39:1 39:14 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1
--	--	---	---

[higgins - junctures]

Page 8

62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1 70:1 71:1 72:1 73:1 74:1 75:1 76:1 77:1 78:1 79:1 80:1 81:1 81:15 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1 97:1 98:1 99:1 100:1 101:1 102:1 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1 117:1 118:1 119:1 120:1 121:1 122:1 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 150:14 151:1 152:1 152:20 153:4 155:7 155:20 high 89:12 higher 148:2 highest 49:22 87:11 highly 31:25 42:25 51:18 52:10 history 22:9 hold 42:7 holding 125:23 home 105:13 124:15 125:8 140:10,11 144:5 horrible 48:23 hour 80:23 95:10,11 hours 72:18,20 111:9	house 105:14 126:9 129:24 130:19,23 134:22 135:2,8 hr 103:12 136:5 huh 21:24 45:24 54:4 74:5 75:4 103:8 132:24 133:6 human 27:18 103:10 135:20 137:3,7 hundred 29:20 104:17 hung 118:22 119:13 120:3,13 hurry 87:4 hurt 89:18,25 132:4 i idea 51:8 70:15 71:5 95:19 identification 56:13 60:17 66:6,25 68:20 73:13 93:21 identified 17:7 42:24 115:15 identify 36:14 65:19 120:6 identifying 120:8 immediate 19:10,11 19:14 immediately 10:10 10:16 11:21,23 implement 28:20 29:15 implementation 28:23 43:9 implemented 26:15 29:18 43:7 important 138:21 143:12,17 incident 72:11,24 73:5,23 74:3,6,11 74:15,16,17 109:16 116:6,9 132:7 142:11 147:13	150:8 include 9:4 76:7 increased 87:11 148:21 index 153:7 indicate 60:3 75:10 151:16 indicated 67:16 69:12 74:10 77:22 107:19 109:12 149:16,23 indicates 47:6 68:23 individual 135:11 individual's 144:15 144:23 individually 1:6,7,8 1:12,13,14 ineffective 32:2 43:2 51:18 52:11,17 inform 109:24 112:16 114:7 116:6 151:22 informal 54:15 information 27:17 27:19 initial 12:13 initially 97:15 122:24 initiated 141:14 inside 28:21 124:4 125:18,22 insistent 128:21 instance 26:12 instances 26:11 instruct 110:6 instructed 151:17 instruction 12:24 13:3 47:11,14,19 49:21 instructional 9:14 instrument 31:9 intended 37:22 intent 151:19 interacted 149:24	interacting 100:21 100:25 101:6 interaction 98:15 132:16 interactions 107:4,9 interested 154:12 interpret 6:3 interrupting 128:18 interviewed 14:24 15:5 introduced 43:16 involved 73:23 involving 72:11,25 73:24 74:11 98:16 98:18,21 ish 105:19 issue 33:25 39:11 40:19 65:20 issued 38:17 39:6,8 39:13,17 66:11 67:6 68:24 69:3,5 issues 36:10,12,15 139:21 140:4,7 141:9 j james 3:17 137:20 jericho 3:4,4 job 8:11,18 10:15 120:24 135:18,20 john 1:9,10,15,15 joined 102:8 123:9 joke 86:25 89:10 jokes 127:13,14 joking 124:24 jokingly 90:3 joseph 1:11 3:14 jovial 124:24 july 18:24 jump 89:12 90:5,7 jumping 90:14 junctures 94:8
--	--	--	--

[k - mccarthy]

Page 9

k	115:3,7,24 116:21 117:6 118:7,13,15 118:16,17 120:20 120:22,25 121:4,6 121:18 122:18 123:20 124:16,16 124:20,21,22,22,24 125:8,9,10,24 126:14,18 127:3,15 127:16 128:5,6,19 128:20,22 129:14 129:17 133:17 135:6,18 136:24,24 137:4 140:7,25 141:3,17,22 143:5 144:4 145:18 146:4 146:23 147:21,22 147:23 148:4 knowledge 18:3,12 21:3 25:8,23 29:21 30:2 33:18 35:8,9 36:16,18,22,24 37:6 43:8 55:18 56:2 106:19,24 109:4 130:10 132:6 146:8 149:18,21 known 146:19 knows 89:17	111:10 leaves 111:15 leaving 97:6 left 79:23 80:3,9,13 81:20,25 82:9 84:18 84:20,23,25 85:6,6 85:10 96:9 100:12 100:17 101:2,7,15 102:13 103:24 104:6 105:21,24 106:8 108:14 111:9 112:4 129:13,18 131:14,22 132:14 legal 16:8 lesson 37:19,22,25 38:3 42:15,16 letter 14:24 73:11 153:14 letters 17:20 levels 28:12,22 53:23 library 26:13 license 24:7 line 26:7 44:25 50:13 114:2 115:22 153:3,8 155:8 litigation 16:25 little 25:13 53:9 97:13 98:12,13 llc 155:2 load 36:20 located 123:24 location 115:3 long 8:8,17 10:19 67:12 80:19 86:19 95:8 100:16 105:23 123:12 136:4 look 26:8 45:4 70:3 94:3 117:22 150:20 looked 150:19 looking 48:13 49:18 51:7,22,23 59:10 138:9 lot 48:14 96:14 124:23 144:4	loud 119:5 louie 88:22 loved 77:11,12 79:3 79:4 86:10 lovely 124:23 luis 88:11,21,23
k 32:25,25,25 keep 41:4 kept 27:10 kill 87:16 89:10 90:11,17 91:15 93:4 94:21 95:3 132:22 133:8,15,24 134:10 142:18,25 143:3 killing 89:23 90:22 118:20 133:6,13,17 134:4 143:6 144:8 145:14 kim 31:6,7 43:15,18 63:19 kind 72:11 89:21 140:4 141:9 146:6 146:24 knew 138:21 knock 81:4,7 knocked 81:8 know 13:20 15:12 15:15 18:25 22:9,11 23:5 24:19 26:16,25 27:20 28:2,16,21 30:19,20 32:21 34:4 34:14 37:22 38:18 44:23 48:24 49:15 49:16,16 50:10 53:12,13 61:21 62:5 62:5,6 63:11 65:4,8 65:10,12 70:22 71:10,12,18 76:10 77:10 80:22,23 82:3 82:15 86:9,11,21,22 86:25 87:8,14,15,18 88:23 89:22,22,24 90:2 92:8,10,18 95:21 96:2,12,13 97:13 100:8,14,16 101:19 104:5,22 105:9,15 109:9,13 109:21 110:3,7 111:8 112:8 114:8	l 1 1:6 3:8 88:23 labeled 62:23 66:16 lady 124:23 language 23:22,22 23:24,25 79:19 133:20 laughed 87:5 lawsuit 5:9 learn 27:12 130:18 130:22,25 131:3,5 146:10 learning 26:8,25 27:11,14 leave 81:18,21 85:2 97:8 104:11 111:6	m m.s 106:15 mail 104:15 main 122:6 123:23 123:24,25 maintain 27:7 making 87:20 88:4 89:14 109:2 132:12 133:3,23 male 120:25 124:13 130:4 143:25 man 142:11,12,14 142:17,17 management 46:7 managing 9:8 march 66:15 mark 56:6 60:11 65:24 66:19 68:14 73:7,9 93:17,23 marked 38:23 56:11 56:14 59:13 60:15 60:18 66:4,23 68:18 68:21 73:11 93:19 marriage 154:10 marshal 31:7,7 marshall 43:15,18 63:19 math 11:13,15,20,25 12:7 28:15 70:21 76:15,16,18,20 77:6 78:7 matter 7:21,24 17:4 77:23 154:13 matthew 1:13 3:15 maximum 33:5,6 mccarthy 1:3 5:9 17:24 18:25 19:4,20 20:5,17,19 24:13	

[mccarthy - nurse's]

Page 10

25:6,24 28:3 29:22 33:18 34:4 35:7 36:17 37:5 38:13 39:9,22 41:13,16 42:21 47:6 48:14 51:7 52:13 54:18 55:8,17 58:22 60:25 62:19,25 63:20 64:4 64:8 65:21 66:11 67:6 69:4 72:6,11 72:25 73:24 74:12 76:7,24 77:8,13 78:4,8 79:5,7,13,23 80:3,9,13,19 82:14 82:24 83:11,18 85:8 86:2,16 87:15 89:6 90:10,16 91:14 93:3 94:20 96:12 97:2,20 97:23 98:16 100:22 101:2,7,12,15 102:13 103:17,21 103:23 104:19,23 105:7,12,20 106:5 106:12,17,23,25 107:6,17 108:14,21 109:7,10,19 124:22 126:8 127:12,25 128:6 129:11 131:6 132:2,8,14,17,21 133:2 134:21 135:24 143:9 146:5 146:19,24 147:15 148:16 150:8,22 155:6 mccarthy's 19:10 24:19 34:14 39:18 77:24 89:15 106:7 106:17 109:3 129:24 130:23 147:3 151:6 152:4 152:10 mean 21:13 27:12 33:20 46:20 65:15 87:17 95:22 98:19 101:18 123:19	136:12 meaning 15:25 means 46:17,23 47:18 48:21 49:10 meant 26:4 40:9 46:16 measure 31:9,11 medic 1:13 3:15 medical 131:7 medication 87:7 143:9,10 146:24 147:15,20,21,22 148:5,11,17,18 149:7 meet 6:23 28:13 37:19 meeting 7:4 76:15 76:17,19 77:6 79:22 118:14 member 135:17 memorialization 119:25 mental 144:16,23 mention 118:19 142:22 mentioned 2:8 56:10 60:14 66:3,22 68:17 73:11 87:16 90:3 93:19 94:11 118:18 140:13 147:17 message 104:11 met 6:21 28:22 102:7 143:21 145:9 method 110:15 migraine 146:11,20 mind 112:23 138:19 mine 69:3 mineola 3:16 155:4 mini 54:16 57:4,4,9 57:16,19,25 58:8,21 58:25 59:4,7,11,23 59:24 60:4,9,23,24 61:4,7,9,12,14,18,24 62:14,18,23 63:8,10	64:22 65:20 66:10 66:13,16 67:5,8,17 67:22,25 68:5,11,23 69:19,22 70:8 71:17 71:22 72:3 minute 37:24 59:9 minutes 57:7 80:24 80:25 95:18 123:15 misspoke 61:22 mistreated 18:12,16 mix 127:5 mode 110:19 moment 57:3 102:3 monique 1:12 3:15 monitoring 50:18 monolingual 24:14 24:16 month 18:22 141:7 141:8 morning 5:6 7:16 82:4 98:4 100:13 150:18 moving 50:17 51:6 mr.wolin 149:15 153:5 ms.swinkin's 108:24 n n 3:2 5:2 153:2 name 1:10,15 5:7 6:12 13:14 23:21 69:17 94:11 115:24 120:20,22,25 123:19 126:10 135:13 137:20 140:16 141:20 155:6,7 named 12:16 121:5 135:12 names 1:10,15 15:12 15:15 23:3 nassau 1:11,11,14 3:13,14,14 113:13 113:17,24 121:16 131:7 137:22	nearby 123:23 necessary 25:7,15 48:5 112:24 need 46:25 47:3 48:22 49:12 138:4 150:20 needed 103:11 needs 34:16,20,21 35:5,12,18 36:4,7 never 43:17 93:12 new 1:2,19 2:10 3:4 3:10,16 5:4 6:17 26:14 28:9 120:24 154:5 155:2,4,4,4 nine 46:11 ninety 140:20 nods 5:24 nonverbal 5:25 6:3 noon 98:6,7 105:19 119:17,20 normally 34:22 72:20 140:25 notary 2:9 4:13 5:3 152:25 154:4 155:24 notice 58:24 71:21 nude 87:3 number 12:2 33:5 33:21 38:9 54:11 57:9 58:13 113:21 114:3,4,9,11,12,13 115:5,10 141:17 142:10 numbered 51:7 numerous 102:18 nurse 75:4,7,15,17 76:17 80:21 81:4,7 82:10,12 84:4 85:5 85:6,10 96:19,20 100:18 108:11,13 146:16,17,23 147:3 nurse's 73:21 82:2 82:19 83:11,16 84:3 84:12,13,18 85:24 89:3 91:7 95:9 97:6
---	--	---	--

[nurse's - period]

Page 11

97:9 99:20 100:10 102:2 118:15 132:2 146:7,12	66:10,14,16,22 67:5 67:9 68:5,17,23 69:3,22 70:4,8 71:13,18 150:20 151:24 152:6 153:9 153:10,11,12,13	120:21 121:2,5,16 122:15 124:14 125:21,25 126:4 127:20,24 130:4,18 141:2,21 143:25	outside 21:19,20 140:10 overall 47:19,24 48:7,11,12,17 51:15 51:20,24 52:8,9,10 52:15,22 53:3,4 overheard 78:5
o		officer's 114:13 officers 113:11,24	
oath 17:8 objection 8:2 14:15 25:9 30:11,18 32:15 36:21 37:3,10 47:23 48:4 50:11 55:10 63:3,17 65:3 69:14 69:25 70:14 74:21 80:10 83:15 88:14 90:20 91:9 93:5,14 94:9 98:17,23 101:4 107:7 110:18 112:25 113:16 114:15,19 117:10 119:12,21 120:7 128:12 131:18 134:2,3,8,11,12 135:4 137:6 142:2,3 142:19 143:14,16 144:9,10,17,19,25 145:16 149:22 150:4 151:2,10,21 152:7,13 objections 4:10 observation 30:23 31:22 37:16,17,20 38:2,14 39:4,5,18 40:14 41:9,21,22 42:6,7,12,13,19 43:21,25 44:5,8,15 44:19 48:6,14,17 51:2,16 52:9,16 53:4,6 54:19,23 55:4,9,12,15,18 56:3,10,22 57:4,5 58:25 59:4,6,10,18 59:21 60:2,9,14,23 60:24 61:4,7,10,12 61:13,15,18,20,25 62:3,14,18,23,24 63:8,10 64:23 66:3	observations 30:15 30:17 38:5,10 40:20 41:5 51:23 54:11,16 57:10,16,19,25 58:13,21 65:21 67:13,17,23 68:2,11 69:18 71:22 72:3 150:19,21,23,25 151:6,7,9 observe 37:25 39:21 41:2 53:15,22,23,24 54:6,9 76:22 100:20 observed 41:13,16 98:14 observes 53:20 obtain 92:19 occasion 137:12 139:25 140:14 occasionally 33:12 occasions 149:17 occur 94:22 occurred 72:12 76:16 offhand 28:2 office 3:13 82:19 83:11,17 84:4,13,14 84:18 85:24 89:4 91:7 95:9 97:6,9 99:20 100:10 102:2 115:7 118:16 121:25 122:6,12,21 123:5,11,21,24,24 123:25 124:2 132:3 135:16 145:5,10 146:7,12 officer 1:11,12 3:14 3:15 113:8,9,14,18 115:16,20,22,25 118:12,20 120:19	official 1:7,8,8,12,13 1:14 oh 9:4 13:13 86:20 87:2,14,16 90:6 98:4 104:12 111:8 118:19 120:14 126:23 128:5 140:15,23 144:3 147:25 okay 5:16 6:4 40:7 52:21 63:5 70:23 74:4 82:7 93:16 118:12 125:9,11 126:8,14 138:5 148:12 old 155:4 omits 93:2 once 124:10 135:7 ones 43:11 65:20 110:22 opened 75:25 81:9 opine 93:7 opinion 24:21 53:7 113:3 124:20 opposed 139:6 opted 28:16 orchestrate 50:12 outcome 154:12	p p 3:2,2 154:4,18 p.c. 3:3 p.m. 152:16 page 45:4,4 47:4 51:7 64:3,7,11,14 65:8 106:11 130:5 153:3,8 155:8 panel 14:24 15:4,7 paraphrase 127:12 128:4 paraphrasing 128:2 part 24:3,4,8,9 126:23 participant 103:20 participated 98:22 particular 23:21 32:13 41:2 46:21 49:5,17,17 54:7 55:14 58:9,10 parties 4:6 154:11 pearletta 13:11 people 15:9,13 80:2 96:14 perceived 79:16 percent 29:20 104:17 140:20 percentage 141:3 perception 119:11 perform 142:4 performance 31:11 performed 40:13 62:25 72:3,7 performing 141:24 period 22:6 37:24 100:25

[periods - read]

Page 12

<p>periods 29:11</p> <p>permanent 23:7,9</p> <p>person 100:4,5 143:21</p> <p>phone 9:5 106:16,19 109:2 110:2 114:18 114:21,23 118:21 118:22 119:14 120:3,13 143:8 149:9</p> <p>phrased 133:25</p> <p>pin 111:25</p> <p>place 1:18 2:9 32:10 73:21 89:20 95:15 99:6,15,20 101:25 102:14 105:17 107:25 108:6 110:2 112:17 114:6 116:7 117:8,9,18 136:11 136:13,14,23,25 142:21 151:9,23</p> <p>placed 110:2</p> <p>plains 3:10</p> <p>plaintiff 1:4 2:6 3:3 15:24 16:7,19 19:2</p> <p>plaintiff's 56:12 60:16 66:5,24 68:19 73:12 93:20 138:9 153:7</p> <p>plan 26:8,25 27:11 27:13,14 42:15</p> <p>planned 57:25 58:9</p> <p>planning 45:15,18 45:21 64:23</p> <p>play 152:4,10</p> <p>please 6:12 81:15 82:13 138:2</p> <p>po 122:19</p> <p>point 31:21 41:7 72:23 74:10 84:17 84:20 103:6 107:12 123:2,8 130:17,21 132:7</p> <p>points 45:13 48:10</p>	<p>police 1:11,11,12 3:14,14,15 113:11 113:14,17,24 114:13,13 121:10 121:16,18 126:18 127:7,11,19,23 128:25 129:4,12,17 130:4,18,18,22 131:13,22 134:24 135:7 142:24 143:8 143:25 145:8,22 147:14 149:7,24</p> <p>policy 38:8 42:5 57:8,13 67:11 72:2</p> <p>portion 40:8</p> <p>position 14:19,22 15:10 121:7</p> <p>positive 51:24</p> <p>possible 42:9 138:22</p> <p>possibly 25:2 65:23 68:7 149:9</p> <p>post 38:2</p> <p>practice 38:9 57:9 57:13 67:12 72:2</p> <p>practices 9:14</p> <p>pre 37:20 41:22 42:7 42:12,19</p> <p>preceded 133:20</p> <p>precinct 114:14,16</p> <p>predated 61:11</p> <p>predetermined 69:13</p> <p>preparation 45:15 45:19,22 64:24</p> <p>prepare 6:20 7:6</p> <p>presence 102:23 126:22</p> <p>present 6:15 80:2 92:5 100:6 102:4,6 124:3 130:14 147:5 147:14</p> <p>presently 1:10,16 89:16</p> <p>pressure 147:4</p>	<p>pretty 42:22</p> <p>previous 14:4,5</p> <p>previously 97:21</p> <p>principal 8:12,14,18 8:22,25 9:18,22,25 10:6,7,11,17 11:8 12:5 13:8,12,18,22 13:24 14:4,6,9,14 15:10 19:6,8,16,24 20:2,8,21 21:8,17 22:7,8,13,21 38:4 43:14,17 44:6 57:15 89:9 94:23,24 95:4 116:5 145:3 147:13 147:14</p> <p>principals 10:3</p> <p>prior 10:10,16 16:22 20:7 21:7,16 22:12 30:17 31:2,16,17 41:18 43:9,11,13 44:4 76:17 107:14 108:9</p> <p>privacy 84:16</p> <p>private 96:16</p> <p>probably 40:11 86:23</p> <p>problems 139:17 140:4 142:7</p> <p>procedure 2:8</p> <p>proceeding 17:11</p> <p>proceedings 152:17</p> <p>process 132:12</p> <p>processed 128:20</p> <p>professional 26:2,5 26:6,18,21 27:8,21 28:3 29:9</p> <p>professionally 142:6</p> <p>program 26:14 106:14</p> <p>properly 102:21</p> <p>provide 42:14</p> <p>provided 25:7,25 26:22 54:24</p> <p>provision 32:24</p>	<p>proximity 83:13</p> <p>psychological 144:14</p> <p>psychologist 83:2,14 83:17 85:11 91:4</p> <p>public 2:10 4:14 5:4 152:25 154:4 155:24</p> <p>pulling 48:25</p> <p>purpose 76:13 136:8</p> <p>pursuant 2:7 44:14 44:19</p> <p>put 9:5 28:10,14 40:12 49:3,4 152:2 152:5</p> <tr> <td colspan="4">q</td></tr> <tr> <td colspan="4"> <p>question 4:10 5:13 14:17 25:12 30:13 74:9,19 111:20 138:2,5 147:10</p> <p>questions 5:11 6:7 132:20 137:17,23 137:24 150:14 151:4</p> <p>quietly 96:12</p> <p>quote 132:23</p> </td></tr> <tr> <td colspan="4">r</td></tr> <tr> <td colspan="4"> <p>r 3:2</p> <p>race 18:20 152:4,10</p> <p>raise 125:7</p> <p>range 48:11 52:2,16</p> <p>rapport 139:9</p> <p>rated 48:17 63:20</p> <p>rating 43:11 46:6 52:10,15 63:14,15 65:2</p> <p>ratings 31:22 64:19 65:7,14,17,18</p> <p>raymond 2:9 154:4 154:18</p> <p>reach 94:13 104:2 115:6</p> <p>read 82:8 83:5 94:16 117:14,15</p> </td></tr>	q				<p>question 4:10 5:13 14:17 25:12 30:13 74:9,19 111:20 138:2,5 147:10</p> <p>questions 5:11 6:7 132:20 137:17,23 137:24 150:14 151:4</p> <p>quietly 96:12</p> <p>quote 132:23</p>				r				<p>r 3:2</p> <p>race 18:20 152:4,10</p> <p>raise 125:7</p> <p>range 48:11 52:2,16</p> <p>rapport 139:9</p> <p>rated 48:17 63:20</p> <p>rating 43:11 46:6 52:10,15 63:14,15 65:2</p> <p>ratings 31:22 64:19 65:7,14,17,18</p> <p>raymond 2:9 154:4 154:18</p> <p>reach 94:13 104:2 115:6</p> <p>read 82:8 83:5 94:16 117:14,15</p>			
q																			
<p>question 4:10 5:13 14:17 25:12 30:13 74:9,19 111:20 138:2,5 147:10</p> <p>questions 5:11 6:7 132:20 137:17,23 137:24 150:14 151:4</p> <p>quietly 96:12</p> <p>quote 132:23</p>																			
r																			
<p>r 3:2</p> <p>race 18:20 152:4,10</p> <p>raise 125:7</p> <p>range 48:11 52:2,16</p> <p>rapport 139:9</p> <p>rated 48:17 63:20</p> <p>rating 43:11 46:6 52:10,15 63:14,15 65:2</p> <p>ratings 31:22 64:19 65:7,14,17,18</p> <p>raymond 2:9 154:4 154:18</p> <p>reach 94:13 104:2 115:6</p> <p>read 82:8 83:5 94:16 117:14,15</p>																			

[readily - room]

Page 13

readily 27:23	44:5,8 46:10,12	refreshes 39:17	representative 16:8
reading 39:9 75:3-82:8	47:14 49:19 50:14	regular 35:13 99:7,7	16:16
reads 39:23	50:22 51:2 54:20	113:13	representing 93:15
really 63:23 79:3,4	60:4 64:24 114:4	regularly 12:17	request 26:20
80:12 84:11 108:18	144:21	related 17:11 21:22	require 27:4
reason 33:23 72:5	receives 27:9,22	154:10	reserved 4:11
137:4 155:8	38:11 46:2 57:10	relationship 19:24	resource 113:9
reassigned 79:9	receiving 25:15,20	21:15,18	resources 27:18
rebuttal 56:2,4,22	26:14 56:5	relaxed 106:18	103:10 135:21
recall 8:3 13:19 22:3	recess 37:15 94:18	remain 24:11	137:3,7
22:25 23:2,3,8,10	recollect 78:3	remainder 13:16	respective 4:6
25:17 26:17 27:2	117:17	remained 100:16	respond 136:19
30:6 32:7,8 33:22	recollection 39:17	remember 15:6	141:5,10
34:2,7,12,17 37:11	56:8 75:2 83:7	25:18 42:3 55:3	responded 140:14
38:21 41:17 42:22	117:21 133:2	74:6 78:21 79:7	140:18 141:16,25
44:12 54:25 55:6,11	148:14,24 149:6	86:20 88:12,18	142:14 144:2 145:9
55:16,19 56:5,17,25	reconcile 61:17,23	89:12,19 99:13,21	response 79:3
57:2 63:9,12 71:20	62:4,13	101:16 102:22,24	responsibilities 8:25
75:9 78:20,21,24	record 6:13 27:10	103:11 105:16	9:3,10
80:8,18 83:9 84:9	154:8	108:8 110:24	result 130:12
84:15 85:14,22 88:3	records 27:8,21,24	116:23 118:5,11	resulted 133:3
88:20 89:5 99:12,14	recount 108:16	119:4 120:5 126:25	resume 14:23
101:19,24 103:15	136:10,12 137:9	133:9,14,19,23,25	review 99:4
106:6 114:10,20,24	reference 9:10	138:25	right 31:6 33:10
115:2 116:17 117:2	13:21 16:24 17:4	repeat 25:12 145:13	34:24 36:13 40:7
117:2 118:2 119:6	29:23 41:20 45:17	rephrase 5:14 14:17	45:23 49:23 51:6
120:8 124:13 131:4	45:21 47:13,18	16:10 44:16 138:3	59:20 70:20 75:12
131:8 133:12,17	49:24 50:4,14,21,25	report 9:15 27:5	83:5,20 84:21 99:3
134:5,6,9,14,15	56:22 59:4 63:13	39:18 40:2,4,17	105:25 107:10,23
135:19 136:3,6,7	64:22 72:6 80:5	42:24 43:21,25 56:3	114:12 117:12
142:9 143:11,20	83:18 90:12,13 93:3	56:10 60:14 66:3,22	123:7 126:24 129:2
146:18 148:4	94:4,22,24 95:4	68:17 130:7 153:9	133:19 139:15
151:18	101:11 108:24	153:10,11,12,13	140:12 143:13
recalled 99:19	109:4 111:20,21	reported 9:20	148:8,11
142:20	137:13 149:19	130:11 140:9	rings 9:5
recalling 63:6	referred 57:3 132:8	reporter 5:22 56:11	road 155:4
101:18 104:17	referring 40:10	60:15 66:4,23 68:18	role 152:4,11
receive 28:19 34:22	64:20 73:6 90:11	73:12 93:20	room 24:11 75:5,8
34:25 38:14 43:13	109:15	reporting 155:2	75:15,20,24 76:4,9
43:21 54:22 58:24	refers 94:7	reports 31:22 44:5	76:11,14 77:15,21
67:13 68:11 106:14	reflected 30:9	150:20 151:24	78:9 79:6,20 80:21
144:14	reflection 116:16	152:3,6	81:19,22,25 82:10
received 17:20 28:4	refresh 56:7 83:6	represent 5:8 16:11	82:16 88:19 100:13
30:8,15 39:19 43:24	117:21 148:13,23	137:21	100:17 101:3,7
	149:5		

[roosevelt - sir]

Page 14

roosevelt 1:6,9,19 3:8 6:17 8:6,9 10:12 10:20,21,24 11:5,12 12:18 17:17 18:2,8 18:10,17 139:11,16 155:6 rose 6:17 8:15,21 9:2 10:2,6,12 12:3 12:23 13:9,18,23 14:9,14 19:5,9,13 19:21 20:6,11 21:4 21:5,9 30:3 32:14 32:19,22 116:5 rpr 2:9 rubric 30:21,24 31:7 31:10 39:4,5 43:15 43:18 44:11,13,18 44:21 45:5,12 47:15 48:9 50:14,22 59:3 59:5 63:14,15,18 64:4,8,12,15,17 65:9,13 rubrics 30:25 rules 2:7 5:19 137:25	65:9 82:5 87:18 88:11 102:18 103:9 103:16 106:10 130:3 147:25 scale 43:11 48:15,16 50:12 51:20 scene 97:15 schedule 37:23 38:2 41:9 67:21 69:13,15 69:16 scheduled 67:17,19 151:7 scheduling 151:5 school 1:6,9 3:8 8:6 8:9,16 9:17 10:13 12:9,10,15,19 14:4 14:5 17:17 18:2,8 18:11,17 21:19,22 25:5,16,19,24 27:23 27:24 28:4,13 29:2 29:16 30:9,16 31:14 33:17 34:3 36:18 38:11,15 39:19 41:7 43:19 53:14 57:11 58:20 60:6 62:20 63:2 65:22 71:23 72:23 83:2,14,17 88:16 91:4 104:23 106:15 109:6,14,25 110:4 111:11,13,14 112:2 113:8,8,22,25 120:15 121:19 132:18 135:9,12 137:14 139:5,11,14 139:17,22,23 140:2 140:19 141:10,12 141:15,16 144:21 144:22,22 149:17 149:19 schools 12:16 139:19 score 44:13,18,21 45:6,12 47:15 50:22 51:15,17,24 52:8,9 52:22 53:3 64:4,8	64:12,15 65:9 scores 51:19 63:25 64:2,17,19 65:13 scott 3:17 111:19 112:3,8 117:20 134:3,12,18 137:18 137:20,21 138:8 143:15 149:10 152:13 153:4 screaming 82:15 sealing 4:7 seated 83:11 second 12:24 13:3,5 13:12 14:11 20:13 20:14,16 32:9 37:12 43:6 71:23 130:5 secretary 114:25 section 49:17,17 see 40:10 44:24,25 45:6,18 46:8,24 48:7,8,9 50:19 52:22,24 54:12 55:24 56:4 62:11 63:22 64:2 65:14,15 87:9 94:4,8,10,11 97:2,8,23 100:24 101:5 106:25 122:2 122:4 126:24 130:8 147:24 seeing 52:12 56:17 96:14 seen 38:24 46:23,25 56:15,24 59:5 60:19 66:8 67:3 68:22 71:22,24 73:16 88:6 93:12,24 97:20 120:16 selected 14:25 15:3 self 24:6 36:2 seminars 26:9 september 22:16,17 22:23 24:12,18 60:7 sequence 99:19 117:3 142:21	series 5:10 serve 8:13 10:19 11:15 12:6,13 served 8:17,20,21 9:21,25 10:21 11:25 12:22 13:10,14 service 139:5 services 34:23 serving 136:5 session 111:11 set 29:10,12,13 154:7,14 settings 29:8 seven 70:18 share 40:24 shared 143:18,20 she'd 148:19 she'll 37:21 sheet 155:2 short 42:8 shortly 82:3 110:3 118:22 120:14 shoulder 5:25 show 38:23 56:14 60:18 66:7 67:2 68:21 93:6,11,16,23 showing 73:15 shown 151:25 shrugs 5:24 side 96:11,16,18 97:11 115:14 sighed 133:5 signature 154:17 signed 4:13,14 significance 53:10 silverman 3:7 similar 29:8 89:8,17 117:3 simple 28:11 sir 7:7,11,22 9:19 10:9 12:12,20 14:20 15:8,11 19:17 47:7 48:5 50:10 61:21 64:2 65:14 74:18 83:8 94:14 102:15
s			
s 3:2,11 5:2,2 66:24 68:19 88:23 safety 113:8 sat 80:4 saw 121:20 122:20 127:3 saying 48:23 52:4 52:14 58:8 59:15 78:22 80:5 86:20 90:4 99:22 102:22 102:24 118:6,8 119:5,8 126:14 127:7 128:17,17,18 133:9,14 134:9 143:23 144:11 says 40:5,8 45:5,18 56:21 59:12,18 60:2 61:18 62:6 63:8			

[sister - subscribed]

Page 15

sister 85:17,18 86:18,21 87:2,2,21 88:5 95:17,20,23 96:3,5,7,9,20 105:13 106:8,17 109:3 125:8 134:21 sister's 85:19 96:17 105:14 126:9,10 129:24 130:19,23 135:2,8 sit 37:21 site 27:16 sitting 55:2 77:4 83:23,24 86:3,6 108:19 133:22 situated 83:19 situation 102:21 118:4 135:24 141:13 situations 102:19 six 49:19 50:15 71:6 71:15 size 32:18,20 33:19 33:20 sleeps 87:3 small 87:21 88:4 95:16 smith 3:11 5:19 7:2 7:5 8:2 14:15 25:9 25:11 30:11,18 32:15 36:21 37:3,10 37:13 47:8,23 48:4 50:11 55:10 63:3,17 65:3 69:14,25 70:14 70:23 74:21 80:10 83:15 88:14 90:20 91:9 93:5,14 94:9 94:16 98:17,23 101:4 107:7 110:18 111:21 112:25 113:16 114:15,19 117:10 119:12,21 120:7 128:12 131:18 134:2,8,11 134:13 135:4 137:6	142:3,19 144:9,17 149:22 150:4,13,16 152:14 153:5 social 21:17 106:3 106:15 solve 87:25 89:24 sorry 9:5 10:25 13:2 20:14 23:2 38:20 47:7 61:22 63:11 70:24 141:2 sound 75:12 sounds 71:10 spanish 24:4,9 speak 7:15 63:23 65:6 78:15 79:2 91:6,11 92:21 100:3 104:7,9,19 105:6 106:4,7 107:16 114:24 115:16,19 125:15 126:3,21 135:23 136:8 142:10 speaking 102:5 106:22,25 108:8 109:2 123:13 speaks 56:19 special 24:7 34:15 34:19,21,23,25 35:5 35:12,15,17,18,25 36:2,3,6 specialist 11:14,16 11:21,25 12:7 76:18 specific 25:14 26:20 80:7 111:5 specifically 56:20 78:20,21 134:14,15 134:19 139:10,14 specificity 110:25 specifying 148:5 spilled 141:15 spoke 24:3,4 101:15 107:19,22 108:3,13 108:21 114:5 122:14,17,18 125:11,18 126:15	126:19,20 128:25 129:4 147:12 spoken 7:12,23 106:23 110:9,12 111:23 150:7 spring 136:6 sro 107:12,14,25 108:6,10 109:14 110:6,17 112:11,16 112:24 113:4,7,13 113:17 114:17,24 114:25 115:21 116:19,22 117:17 134:21 137:11,13 139:3 142:10 sros 107:11 109:23 109:25 114:11 115:5,21 149:16 151:12,13,20 152:10,11 st 88:11,21,22 staff 9:7,10 111:15 135:16 stalker 2:9 154:4,18 stamped 47:5 stand 82:6 standards 28:11 standing 83:22 121:22 122:3,5 start 32:4 started 31:4,13,18 60:6 123:5 stassi 1:11 3:14 state 2:10 5:4 6:12 25:6,25 28:10 49:13 49:23 62:17 87:13 97:21 130:7,11 133:7 154:5 stated 52:24 89:17 89:22 90:10,16 94:21 102:18 132:22 147:18 statement 82:5 88:7 88:10 89:15 90:9 91:18 92:6,9,14,19	93:2,7,11,19 94:19 95:2 99:25 101:14 102:17 108:24 119:24 130:2 131:11,17 132:20 133:23 138:10,24 146:3,14 153:15 statements 92:22 states 1:2 99:18 101:15 stating 93:3 status 144:16,24 stayed 84:19 stickers 78:23 stipulated 4:5,9,12 stole 78:22 stop 49:2 122:17 stored 27:18 stormed 76:12 77:14,20 79:5,20 80:20 street 3:16 strike 86:11 stronger 148:19 strongly 52:14 student 34:20 35:4 35:23,24 36:20 77:11,23 78:11,14 78:14,17 79:8,10 students 9:6,7 12:25 13:4 28:13 33:2,9 33:11,21 34:5,10,13 34:16,21 35:8,13,14 35:15,16 36:5,7,8 36:11,14,24 37:7 77:9 78:9 125:18,23 140:24 sub 23:7 88:25 subject 7:21,24 31:12,13 77:23 submit 55:25 submitted 14:23 70:5 subscribed 152:21 155:22
--	---	---	--

[subsequent - three]

Page 16

subsequent 150:8	92:8,21 93:2 101:14	24:7 25:18 26:19	tenured 38:10 57:10
subsequently	102:6,8,16,22 103:9	27:9,22 30:3,15	term 12:14
122:25 146:10	103:14 106:10	31:20 37:19,21	terms 9:11 51:14
149:25	107:22 110:13	38:10 41:2,23 42:9	58:14 69:19 117:19
substance 30:17	124:8 126:20,21	42:14 43:20,23,24	testified 5:5 17:8,10
119:7	127:6 128:25	44:14,18 46:21	20:12 101:22
substitute 23:6 89:2	130:11	54:21 55:3 57:10	107:15 108:20
sue 16:15	swinkin's 130:2	58:24 67:13,25 68:5	118:6 134:13
sued 15:25 16:14	sworn 4:15 5:3	69:9 70:21 77:12,12	testify 74:25 117:16
sufficient 25:20	152:21 154:7	79:4,4 88:15,21	118:9
26:18	155:22	89:2 137:14 142:18	testimony 20:4 35:3
suggest 106:13	system 32:9 40:12	142:25 144:20	43:5 60:8 90:24
suite 73:22	51:14	149:20	108:22 154:6,9
summarizing 117:5	t	teacher's 31:11	thank 74:18 83:8
summary 73:19,20	t 5:2	51:15 69:17 145:13	149:10
74:24 99:18 116:13	take 5:23 37:12	teachers 20:6 21:9	theoretically 45:25
116:14,16,18 117:7	54:11 58:15 94:3,15	21:25 22:24 23:11	thereto 41:18
136:14 138:10	95:9 102:14 107:24	26:7,23 27:4,17	thing 49:6 90:3
148:8	108:5 124:25	28:18,19 29:6,10,11	98:20 101:11
summation 136:22	139:20 147:3	29:12,13 30:8 34:9	109:12,16,18,22
supervising 9:11	taken 2:6 37:15 77:8	37:2,8 38:6 40:20	120:10 129:10
supervision 9:4,6,7	89:20 94:18 99:5	48:8 49:7 52:6	things 89:21 142:22
supervisor 9:16	110:2 112:17 116:7	53:16,25 54:7,9,10	think 23:21 49:3
19:10,14 92:15 99:5	117:18 136:25	54:12,13 58:12 72:3	54:17 71:24 103:25
109:24 113:2	151:23	76:6,19 77:3 105:4	124:9 126:23,24
131:19 151:14	talk 78:8,15 87:5,21	117:19 118:13	135:20 139:20,22
supervisors 19:11	88:5 95:16 114:5	150:25 151:9	141:5
19:14	124:17 143:22	teaching 20:20,23	third 8:19 20:12
supervisory 9:9	145:21	22:17 24:15	121:7
supplies 25:15,21	talked 124:17	telephone 100:4	thirteen 8:10
support 5:23 25:7	talking 74:4,7,16,17	114:8 142:16	thirty 33:3 45:16,22
supported 90:18	76:19 78:7,12 79:8	143:19	46:4 48:2 49:14
supposed 5:23 51:11	86:9,10,12,16 123:6	tell 7:8 51:16 64:25	50:8,22 64:5,25
sure 5:19 6:6 25:13	124:13 125:20	78:2 105:11 110:16	95:18
29:20 37:13 42:23	taught 20:12,15	112:15,18 115:13	thought 54:13 112:3
58:19,23 92:12	21:3 24:8 28:18	124:19 125:3 126:7	threat 125:2 127:17
93:10 94:25 95:5	35:25	127:10,14,19,23	127:21
102:15,20 103:5	teach 24:13 29:6	142:24 143:8	threatened 142:25
104:5,13 119:22	68:11	146:17 147:14	143:2 144:7
121:11 134:17	teacher 10:18,20,22	149:3 151:17	threatening 124:21
143:18	11:5,6,11,22,24	telling 86:10	128:8
susan 1:3 5:8 18:25	12:14,22 13:6,10	ten 11:11 45:25	three 10:22 23:12
swinkin 82:25 83:9	14:11 19:4,21,24	49:24 50:3,8	33:3 47:22 50:7
84:25 87:22,24 88:7	20:11,17 21:5 23:6	tenure 10:7 17:16	52:5 53:2
88:10 89:23 91:3,6		19:12	

[time - way]

Page 17

time 2:8 4:11 5:13 7:18 8:21 9:21,24 12:21 13:9,22 20:7 20:10,15,24 21:4,7 21:8 22:6,8,13 29:13 31:21 33:7,15 34:6 37:14 42:10 49:4,8 55:7 56:9 58:6 60:13 66:2,21 68:16 73:10 75:6,9 76:4,14 79:2 80:23 81:24 84:17,20 85:2 85:6,9,10,11 86:21 87:23 89:9 90:4 91:4,8 93:18 94:15 94:17 95:12,15 98:2 100:9,20,25 101:6 104:3 105:17,23 110:5,25 111:5,7,9 111:13 112:4,6 116:19 118:15 121:9 123:2,22 130:17,21 131:5,9 132:16 133:4 137:2 138:4 139:24 140:21 143:21 146:6 147:12 times 16:3 26:22 27:3 28:22 41:6 50:8 94:12 102:18 140:18,20,22 141:4 141:17 title 8:11,18 10:15 135:18,20,21 today 6:20 7:10,13 7:19 16:22 17:8 19:21,25 26:12 27:5 55:2 108:19 121:6 133:22 told 69:15 77:11 86:17,19 87:10,24 90:4 105:12 116:4 117:18 125:24 126:4,7,9 130:5 142:17 146:15	147:21 148:24 149:6 top 39:10,15 40:8 64:3,7,11 65:8 total 45:13 48:10 50:25 totaled 47:25 track 41:4 train 29:6 trained 29:13 102:19 training 26:14,20 27:5,6 28:20 29:23 30:4 144:14,21 transcript 154:8 transferred 33:11 translate 46:3 transpiring 131:10 transported 131:6 traveling 24:10 trial 4:11 tried 103:25 104:18 104:23 109:9 true 1:10,15 154:8 try 42:8,11 104:4 trying 101:19 111:25 127:10 128:9 turn 77:8 turned 77:23 turnpike 3:4 turns 54:11 58:15 twelve 110:8 111:4 twenty 33:2,4,14 34:5,10 46:11 49:19 50:15 64:4,24 twice 71:3 141:7,8,8 two 11:19 12:4,16 20:9 24:2,10 36:3 37:12 62:8 67:25 68:11 69:9,10,22 71:4 89:21 117:24 118:3 120:14 121:10 124:7 149:24 150:3	type 21:17 24:12 26:20 41:21 43:10 43:21,25 48:25 59:21 76:22 81:10 91:24 typed 40:12 typical 21:22 u u 88:23 uh 21:24 45:24 54:4 74:5 75:4 103:8 132:24 ulysses 12:8,15 unclassified 35:24 understand 5:14 15:18 138:2 understanding 139:18 understood 112:9 unfortunate 118:4 uniform 121:13,15 union 1:6,9 3:8 8:6 8:9 12:18 17:17 18:2,8,11,17 united 1:2 university 131:7 unknown 1:10,16 unsuccessfully 108:23 update 101:25 ups 149:13 upset 77:13,17 79:17 80:6 86:3 87:20 96:15 97:14 117:19 118:13,21 118:25 119:11 124:14 127:2 use 30:22,22,25 31:8 67:20 79:19 80:20 148:10 uses 34:19 utilized 31:10	v v 155:6 vehicle 97:24 132:15 vein 128:2 verbal 110:20 verbalize 5:21 verbally 6:8 verbatim 118:2,5,11 veritext 155:2 versus 96:13 visit 58:8 voice 104:14 119:5 125:7 w wait 59:9 waiting 95:17 waived 4:8 walk 37:21 walked 122:7,10 want 22:15 62:10 83:5 87:16 116:21 117:15,25 150:17 wanted 25:3 89:10 90:11,17 91:15 93:4 94:21 95:3 112:18 128:21 132:22 136:24 137:8 142:18 143:3,4 washington 8:15,20 9:2,25 10:6,11 12:3 12:22 13:9,18,23 14:9,14 19:5,9,12 19:21 20:6,11 21:3 21:5,9 30:3 32:14 32:19,22 97:10 116:5 waved 75:21,25 81:12 wavelength 74:3 way 47:5 117:21 123:20 133:25 150:22,24 151:7,8 154:12
--	---	---	---

[week - zero]

Page 18

week 6:25 28:22 68:2,6,9,10,12 69:9 70:6,12,16 71:3 141:4,6,7 weeks 71:8,9 went 11:18 12:2 99:6,7 100:14 122:11 123:4 124:4 125:16,18 129:18 130:19,22 west 3:16 whatnot 124:25 wheelchair 86:4,5,8 96:25 whereof 154:14 white 3:10 wilks 76:5 77:4 window 90:5,14 windows 89:11 withdraw 30:12 32:16 witness 1:23 5:17 6:5,9 112:9 137:19 138:6 153:3 154:6,9 154:14 woke 86:22,23 wolin 3:3,3,5 5:6,7 5:18 6:6,11 30:12 32:16 56:6 60:11 65:24 66:19 68:14 70:24 73:8 93:10,16 112:5 137:16 142:2 143:14,16 144:10 144:19,25 145:16 149:12 150:11,18 151:2,10,21 152:7 153:4 woman 142:11 144:6 wondering 86:18 word 148:10 words 132:3 133:7 140:8 work 22:9 41:9 46:18,25 47:3 49:11	72:18,20,21 102:19 worker 106:3,15 working 72:16 135:11,12 workshops 26:9 worry 47:8 wortham 1:6 3:8 wright 13:12 89:8 90:3,4,6,12,13 94:23,24 95:4 write 46:24 91:21,23 92:13 99:25 131:10 writing 55:20,22 92:23 written 40:17 56:2 116:12,14,18 117:4 119:24 wrong 53:21 wrote 90:19 131:17 138:11,17 148:7 x x 1:3,17 153:2 y yeah 14:8 32:7 35:6 41:19,19 45:10 50:2 58:3 62:9 65:17 85:19 86:2,7,12 87:18,24 89:14,14 104:16 105:22 109:20 115:21 129:16 131:15,23 133:18 138:16,20 138:23 146:13 148:18,21 149:2 150:6 year 8:19 11:24 13:11,13,14,16,20 14:4,5,11 18:22 25:5,16,24 26:16 27:23 28:4,13 29:2 29:17 30:9,16 31:14 32:9 33:10,18 34:3 36:18 38:11,15 39:19 41:7,11 43:6	43:19,24 44:7,9 52:6 53:15 57:11 58:21 60:6 62:20 63:2 65:22 71:24 121:7 132:18 140:22,23 years 8:10 10:22 11:11,19 12:2,4 20:9 22:11 36:3 44:4 52:5 53:2 89:7 117:24 118:3 yedin 23:5 yelled 127:18 yelling 118:21 119:2 119:13 122:15 124:14 125:6 127:2 144:3,4 york 1:2,19 2:10 3:4 3:10,16 5:4 6:18 28:9 154:5 155:2,4 155:4,4 young 78:14 z zero 51:8,9 53:10
--	---	--

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.